

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.344 OF 2024

Rahul Bhupat Lal Pujara & Ors.

...Applicants

Versus

Kavitakumari Rahul Pujara & Anr.

...Respondents

WITH

INTERIM APPLICATION NO.3193 OF 2024

IN

CRIMINAL REVISION APPLICATION NO.344 OF 2024

Rahul Bhupat Lal Pujara & Ors.

...Applicants

Versus

Kavitakumari Rahul Pujara & Anr.

...Respondents

Ms. Aparneswari Natarajan, for the Applicants.

Mr. Vipul Dada Patil a/w Mr. Pandurang Sonawane, for the Respondents.

Mr. A.D. Kamkhedkar, APP, for the Respondents - State.

CORAM: MADHAV J. JAMDAR, J.

DATED: 13 FEBRUARY 2025

P.C.:

1. Heard Ms. Natarajan, learned Counsel appearing for the Applicants and Mr. Patil, learned Counsel appearing for the Respondents.

2. The challenge in this Criminal Revision Application is to the Order dated 18th January 2024 passed by the learned Additional

Sessions Judge, Pune in PWDVA Appeal No.5 of 2023 as well as the Order dated 6th December 2022 passed by the learned Joint Judicial Magistrate First Class, Cantonment Court, Pune below Exhibit-5 in Criminal Miscellaneous Application No.14 of 2020. By said Order dated 6th December 2022 maintenance of Rs.10,000/- has been granted to the Respondent - Wife. The said Order has been confirmed by the impugned Order dated 18th January 2024.

3. One of the reason given by the learned Trial Court as well as the learned Appellate Court is that the present Applicant has not filed affidavit of disclosure as directed by the Supreme Court in *Rajnish v. Neha*¹ and therefore adverse interference is required to be drawn.

4. Mr. Patil, learned Counsel appearing for the Respondent – Wife, states that the Petitioner is in arrears of about Rs.6,00,000/-. He further states that in the execution proceeding distress warrant has been issued and still the Petitioner has not paid substantial amount of the maintenance.

5. It is the submission of Mr. Natarajan, learned Counsel appearing for the Petitioner that in the impugned Order dated 18th January 2024 the learned Sessions Judge has made certain observations in Paragraph No.12 and it is her contention that the said observations are not concerning with the enquiry regarding maintenance. However, it is required to be noted that the said observations are *inter alia* concerning

¹ (2021) 2 SCC 324

Domestic Violence. In any case the impugned Order is concerning the interim maintenance. The said observations made are *Prima facie* observations made at the interim stage and the D.V. proceedings will be disposed of finally on the basis of evidence on record.

6. The learned Trial Court has held that the income of the Petitioner is Rs.1,50,000/- per month and thus the maintenance granted of Rs.10,000/- is very reasonable. The said order is confirmed by the learned Appellate Court. Nothing has been pointed out to indicate that the impugned Orders passed are contrary to the material on record.

7. Accordingly, no case is made out for interference in the impugned Order under the jurisdiction of this Court under Article 227 of the Constitution of India. The Criminal Revision Application is dismissed with cost of Rs.20,000/- to be paid by Applicants to the Respondent No.1.

[MADHAV J. JAMDAR, J.]

Note:- This order is corrected as per Order dated 4th March 2025.