

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.496 OF 2024

Nitin Balshiram Landge

...Applicant

Versus

Jayashri Nitin Landge & Anr.

...Respondents

Mr. Kirankumar Sonawane, for the Applicant.

Mr. Prathamesh Bhargude, Amicus Curiae a/w Sumit Sonare, for Respondent No.1.

Mr. A. R. Metkari, APP, for the State.

CORAM: MADHAV J. JAMDAR, J.

DATED: 30 APRIL 2025

P.C.:

1. Heard Mr. Sonawane, learned Counsel appearing for the Applicant and Mr. Bhargude, learned Counsel appointed as *Amicus Curiae* to represent the interest of the Respondent No.1.

2. By the present Criminal Revision Application the challenge is to the legality and validity of the Order dated 18th June 2024 passed by the learned Additional Sessions Judge, Thane in PWDV Appeal No.02 of 2024 and also to the Oder dated 6th December 2023 passed by the learned 3rd Judicial Magistrate First Class, Thane below Exhibit - 5 in PWDVA No.08 of 2019. By the impugned Order dated 6th December 2023, the learned JMFC granted maintenance of Rs.10,000/- per month

to the present Respondent No.1 from the date of application i.e. from 2nd January 2019 till the final disposal of the main application. The said Order is confirmed by the learned Appellate Court by the impugned Order dated 18th June 2024.

3. Mr. Sonawane, learned Counsel appearing for the Applicant raised three contentions. The first contention is that, earlier the Respondent No.1 has filed a Complaint under Section 498A of the *Indian Penal Code, 1860* and at that time the address of Ghatkopar is given. He states that, in fact, Respondent No.1 has also approached the Maharashtra State Commission for Woman and there also the address of Ghatkopar is given and therefore the Court of Judicial Magistrate First Class, Thane has no jurisdiction to entertain and try the said Complaint filed under the provisions of the *Protection of Women from Domestic Violence Act, 2005* (“**DV Act**”). He further submitted that Respondent No.1 has taken away all the ‘Stridhan’. He submitted that the Respondent No.1 is qualified and she is getting salary.

4. On the other hand, Mr. Bhargude, learned Counsel appointed as *Amicus Curiae* to represent the Respondent No.1 submitted that maintenance of only Rs.10,000/- has been granted. The Order is passed on 6th December 2023 from the date of the application i.e. from 2nd January 2019 and although at no point of time there is stay to the impugned Order, not a single farthing has been paid towards the

maintenance. He submits that the arrears are to the tune of Rs.7,60,000/-. He further submitted that the contention raised that Respondent No.1 is working and she is having salary is incorrect. He submits that although she has studied upto M.Com, she will be appearing for MPSC competitive exam and therefore preparing for the same. He further states that the Respondent No.1 is now staying at Thane at her maternal uncle's place and therefore Thane Court has jurisdiction to entertain and try the said DV case.

5. As far as the point regarding jurisdiction is concerned, Mr. Sonawane, learned Counsel appearing for the Applicant fairly submitted that there is a specific application filed raising contention regarding the jurisdiction and the same has been dismissed. He further fairly submitted that the said Order is not challenged by the present Applicant. Thus, the said contention can not be re-agitated.

6. In any case it is required to be noted that Section 27 of the DV Act provides that the Court of Judicial Magistrate of the first class, within the local limits of which, the person aggrieved permanently or temporarily resides or where cause of action arises shall be the competent Court to grant a protection order and other orders under the said Act and to try offences under the said Act. The Applicant is staying at her maternal uncle's place at Thane. In view of the wide language of Section 27 of the DV Act, Thane Court has jurisdiction to deal with the

said DV case. In any case, separate application raising said contention has been filed and the same has been dismissed. The said Order is not challenged by the Applicant. Thus, there is no substance in the said contention

7. As far as point regarding 'Stridhan' is concerned, the impugned Order is not concerning 'Stridhan'. Therefore, the said aspect is also irrelevant.

8. As far as third point is concerned there is substance in the said contention as the Respondent No.1 is qualified upto M.Com. However, she is currently preparing for the MPSC competitive exams and therefore she is not earning anything.

9. Admittedly, the Applicant is working as Senior Software Engineer and getting salary of Rs.55,263/-. Thus, maintenance granted to Respondent No.1 of Rs.10,000/- per month is not unreasonable.

10. Accordingly, in the facts and circumstances of this case, no ground is raised to interfere in the impugned Orders. Accordingly, the Criminal Revision Application is dismissed, however, with no order as to costs.

11. This Court places on record the appreciation of the assistance rendered by Mr. Bhargude, learned Counsel appointed to represent the Respondent No.1.

[MADHAV J. JAMDAR, J.]