

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 124 OF 2025

Nitin Tanaji Patil	...Applicant
<i>Versus</i>	
State of Maharashtra And Anr.	...Respondent

Mr. S.R. Nargolkar a/w Mr. Arjun Kadam, for the Applicant.
Mr. S.A. Karmakar, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 26th SEPTEMBER 2025

PC:-

1. Heard Mr. Nargolkar, learned Counsel appearing for the Applicant and Mr. Karmakar, learned APP for the Respondent – State.

2. The challenge in this Criminal Revision Application is to the order dated 13th February 2024 passed the learned District Judge-1 and the Additional Sessions Judge, Belapur, Navi Mumbai in PWDVA Appeal No. 09 of 2023 as also the order dated 17th November 2022 passed by the learned Joint Civil Judge Junior Division and JMFC, Belapur. By the impugned

order dated 17th November 2022 interim maintenance in DV proceedings of Rs.40,000/- has been granted to the Respondent No.2 - wife. The learned District Judge and Additional Sessions Judge by impugned order dated 13th February 2024 partly allowed the said Appeal by modifying the said amount of interim maintenance of Rs.40,000/- to Rs.35,000/-.

3. It is a main submission of Mr. Nargolkar, learned Counsel for the Applicant that wife is working and earning Rs.1,00,000/- per month. He further submits that, the Applicant is staying at U.S.A., not able to work and he is unemployed. He is getting state aid and he is surviving on the said state aid.

4. Perusal of the impugned order passed by the learned Additional Sessions Judge show that the learned Additional Sessions Judge has recorded the submission of the Applicant that Applicant has borrowed Rs.1,00,00,000/- (Rs. One Crore only) from his friends and relatives. The learned Additional

Sessions Judge has recorded that if such a huge amount is borrowed and if the Applicant is having capacity to borrow such an amount and capacity to repay the same then the Applicant has not disclosed the reasons why he has borrowed such a huge amount and the source of income for repayment of the same. The learned Appellate Court has observed that the Applicant is working in U.S.A. and getting huge income. Thus in effect the learned Appellate Court has observed that the Applicant has not disclosed real income.

5. As far as the contention that wife is a Doctor and she is earning, it is required to be noted that in paragraph 3 of the D.V. Petition the wife has stated that after completing MBBS from reputed Pune University, she has been serving as a doctor in Government Hospitals and NGOs. She has worked for the health and upliftment of economically weaker sections of community, poor women and socially outcast women, children and families with compassion and sense of social commitment. She has provided treatment free of cost through

NGOs, for HIV, TB and geneal health at Slums of South and central Mumbai, Shivaji Nagar Slums, created awareness to prevent stigma & discrimination in health. She has also taken admission for Ph.D in Public health at Jawaharlal Nehru University.

6. One of the contention raised is that the learned Additional Sessions Judge has not taken into consideration income of the wife. However, the learned Additional Sessions Judge has specifically recorded that the standard of living of the Applicant is quite high than that of the wife and therefore, even if wife is earning considering her cost of leaving expenses in Mumbai and considering that she is also entitled for equal standard of living the maintenance has been granted.

7. Thus, the learned Appellate Court has disbelieved the case of the Applicant as the Applicant has come up with the case that he has borrowed Rs.1,00,00,000/- from his friends and relatives. The learned Appellate Court has in effect held

that the Applicant has not disclosed the true income. Admittedly, the Applicant is staying at USA.

8. Accordingly, no interference in the impugned order is warranted under the jurisdiction of this Court under Article 227 of the Constitution of India. The Writ Petition is dismissed, however, with no order as to costs.

[MADHAV J. JAMDAR, J.]