IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO.193 OF 2017

Vishal Shivajirao Lad.

...Applicant

-VERSUS-

1. Varsha Vishal Lad
2. Chandrabhaga Shivajirao Lad
3. Vrushali alias Soni Anantrao Bais,
4. Ajay Sanjay Kachave
5. Meera Sanjay Kachave
6. Yashoda Munjaji Kachave

...Respondents

…

Shri Prakash S. Paranjape, Advocate for the applicant.
Shri Umesh S. Mote, advocate h/f Shri Sunil B. Jadhav, advocate for respondent No.1.

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 06 October 2026

Per Court :-

1. The applicant/ husband is challenging the order dated 30.03.2015 passed by the learned 3rd JMFC, Parbhani, in Misc. Criminal Application No. 342 of 2012, whereby maintenance at the rate of Rs.5,000/- per month, house rent allowance at the rate of Rs.2,500/- per month and compensation

of Rs.2,00,000/- was granted. However, the order of the learned JMFC is modified by the judgments and orders dated 07.07.2016 passed by the learned Ad-hoc Additional Sessions Judge, Parbhani, in Regular Criminal Appeal (DVA) Nos.19/2015 and 20/2015 whereby, Appeal (DVA) No.19/2015 filed by the respondent/ wife is partly allowed and the applicant/ husband is directed to pay maintenance of Rs.6000/- per month instead of Rs.5000/- and rent allowance of Rs.3000/- per month instead of Rs.2500/-, so also, Appeal (DVA) No.20/2015 filed by the applicant/ husband is partly allowed and he is directed to pay the amount of compensation of Rs.1,00,000/- instead of Rs.2,00,000/-. Thus, the learned Sessions Judge, vide orders dated 07.07.2016 partly allowed the appeals filed by the respective parties and enhanced the amount of maintenance and reduced the amount of compensation. The applicant has also challenged the said orders dated 07.07.2016.

2. It is pertinent to note that the impugned orders were passed by the learned subordinate courts in the years 2015 and 2016. After the passage of such a long period, the present revision application came to be listed before this Court and,

therefore, the matter was heard finally with the consent of the parties.

3. It is an admitted position that the applicant is the husband of respondent No. 1 and that their marriage took place on 09.05.1997. Respondent No.1 preferred Misc. Criminal Application No. 342 of 2012 against the applicant under the provisions of Sections 12, 18, 19, 20, 21, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as "the DV Act"). The learned Judicial Magistrate First Class, vide impugned order dated 30.03.2015, partly allowed the said application and granted maintenance as stated herein above. In appeals preferred by the respective parties, the learned Ad-hoc Additional Sessions Judge, Parbhani, partly allowed the said appeals vide the impugned order dated 07.07.2016 and modified the order passed by the learned JMFC as stated herein above. The applicant has, therefore, approached this Court by invoking the revisional jurisdiction under Section 397 of the Code of Criminal Procedure, 1973.

4. At the outset, it is made clear that the impugned judgments and orders were passed about ten years ago. This

Court had issued notice in the matter on 06.10.2016. It is a matter of record that the applicant had initially filed Criminal Writ Petition No. 1184 of 2016, challenging the aforesaid orders. However, vide order dated 26.07.2017, this Court permitted the applicant to convert the said writ petition into the present criminal revision application. Thereafter, the matter was also referred to mediation vide order dated 10.01.2018. By mediation report dated 09.03.2018, the mediator reported that the mediation had failed. Thereafter, the matter has been listed today for hearing. Admittedly, there is no stay to the impugned judgments and orders passed by the learned subordinate courts. After the passage of about ten years, there is no point in disturbing the judgments passed by the learned subordinate courts.

5. Though Mr. Paranjape, the learned counsel for the applicant, tried to canvass before this Court that respondent No. 1, who had initiated proceedings under the DV Act against the applicant, had not properly established before the trial Court that domestic violence had been committed by the applicant. However, looking to the passage of about ten years since the order passed by the learned appellate Court, it would not be

appropriate to disturb the finding granting maintenance of Rs. 6,000/- per month to the respondent wife. It is well-settled that concurrent findings of fact recorded by the trial Court and the appellate Court are not to be disturbed merely because another view is possible. In the present case, the concurrent findings of the courts below indicate that the applicant is liable to pay maintenance of Rs. 6,000/- per month as well as rent allowance of Rs.3000/- per month, to the respondent wife.

6. Though the litigation between the parties appears to have commenced in the year 2012, the judgments and orders were passed in the years 2015 and 2016. At this stage, the said judgments and orders are not liable to be quashed and set aside merely on the ground that the applicant is required to pay maintenance of Rs. 6,000/- per month and the rent allowance of Rs.3000/- per month, which cannot be said to be excessive in the present circumstances. Moreover, the respondent wife has also not approached this Court seeking enhancement of the said amount. In that view of the matter, as there is no strong and valid legal ground to interfere with the concurrent findings recorded by the trial Court as well as the appellate Court, the present criminal

revision application, being devoid of merit, deserves to be dismissed.

7. Before parting with the judgment, it is necessary to deal with another submission advanced by Mr. Paranjape, the learned counsel for the applicant. He vehemently submitted that the learned trial Court as well as the appellate Court had virtually ignored a vital aspect of the matter, namely, that respondent No. 3, who is residing with the applicant, came to be examined by respondent No. 1 as her witness. According to the learned counsel, respondent No.1 ought not to have been permitted to examine respondent No.3 as her witness, as the said person was already a party to the proceedings. He submitted that permitting a party to the proceedings to be examined as a witness was not proper. A perusal of the examination-in-chief of respondent No.3 before the trial Court, according to the learned counsel, would show that the same was based on leading questions. He, therefore, submitted that permitting respondent No.3, who was already party to the proceedings before the trial Court, to be examined as a witness demonstrates the perverse approach adopted by the learned trial Court.

8. Be that as it may, Mr. Paranjape, the learned counsel for the applicant, failed to point out any statutory provision prohibiting the applicant from examining a party respondent as her own witness. In that view of the matter, as no illegality or perversity is found in the judgments passed by the learned trial Court as well as the appellate Court, and having regard to the limited scope of interference in revisional jurisdiction, this Court is not inclined to interfere with the impugned judgments and orders. Hence, the Criminal Revision Application is dismissed.

kps (SUSHIL M. GHODESWAR, J.)