



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 318 OF 2024

Gopal Bhimrao Bondhare,
Age: 36 years, Occu. Labour,
R/o Akhada Balapur,
Tq. Kalamnuri, Dist. Hingoli

...Applicant

Versus

Jayshree Gopal Bondhare,
Age 31 years, Occu. Home Maker,
R/o. Irrigation Colony, Ardhapur,
Tq. Ardhapur, Dist. Nanded

...Respondent

- Mr. M. M. Parghane, Advocate for the Applicant
- Mr. N. Y. Chavan, Advocate for the Respondent

CORAM : ABHAY S. WAGHWASE, J
RESERVED ON : JANUARY 28, 2026
PRONOUNCED ON : JANUARY 29, 2026

ORDER :

1. In this Revision, Revision Petition – Husband by invoking Section 397 of Code of Criminal Procedure is questioning the order passed by learned JMFC, Ardhapur in P.W.D.V. Application No. 19/2017 as well as consequential, Criminal Appeal bearing no. 15/2022 filed by him before learned Additional Sessions Judge, Nanded, which decided on 29.08.2024. Learned Trial Court granted relief as prayed i.e. directing maintenance to the tune of Rs.7,000/- to each of the Applicants i.e. wife and both sons and also to pay compensation to the tune of

Rs.3,00,000/- in application no. 19/2017.

2. Before learned JMFC, Respondent wife for herself as well as her two children filed Criminal Misc. Application No. 19/2017 by invoking Section 12 of Protection of Women from Domestic Violence Act (for short '**D.V. Act**') and urged for various reliefs. The sum and substance of the accusations are that, after her marriage with Revision Petitioner - Husband on 29.04.2007, she was victim of domestic violence and, therefore, she constrained to live with her parents along with her minor children. As she had no independence source or means, she sought various relief as prayed in the Application. Above proceedings are opposed and contested by husband. After appreciating the respective cases, learned JMFC was pleased to partly allow the application directing maintenance to be paid to the tune of Rs.7,000/- to each of the Applicants and to pay compensation of Rs.3,00,000/-. Criminal Appeal no. 15/2022 preferred against said judgment, also came to be dismissed by learned Extra-joint Additional Sessions Judge, Nanded by order dated 29.08.2024.

3. Learned Counsel for Revision Petitioner would point out that, both Courts below erred in accepting and believing accusations and averments raised by wife. It is his submission that, there was no domestic violence inflicted as alleged. That, wife had left his company

on her own accord. He specifically pointed out that, there was no legally acceptable evidence regarding income of Revision Petitioner to pay above maintenance. He would strenuously submitted that, even while granting exorbitant compensation to the tun of Rs.3,00,000/-, there are no sufficient reasons assigned. He further pointed out that, even First Appellate Court failed to reconsider and reapprciate the evidence. Consequently, for above reasons, he urges for interference in this Revision.

4. Learned Counsel for Respondents original Applicant wife would support the judgments and order passed by both the Courts. It is pointed out that, wife had pointed out in the Trial Court as well as First Appellate Court Revision Petitioner Husband conducts business of stone crusher and has sufficient means but he deliberately neglected to provide for the maintenance when he was solely responsible for driving her out of house after inflicting domestic violence. Learned Counsel for Respondents, therefore, justifies the judgment and order passed by both the Courts below.

5. In this Revision, there is challenge to order of grant of relief under the provisions of D.V. Act. There is no dispute that, parties got married on 29.04.2007 and out of their wedlock, they have two children. Wife, in her application before Trial Court, leveled several allegations

comprising of domestic violence. She has given her own evidence, which virtually seems to have remained unchallenged in the Trial Court. Learned Trial Court, therefore, recorded findings that, she is victim of domestic violence. Having found that, she was residing separately, it was also rightly held that, as she has no means and sources to maintain herself, she was also entitled for maintenance. True it is in the Trial Court there was no distinct evidence and even learned Trial Court observed so in the judgment about no income proof of accused adduced by wife, but contentions raised by her that husband runs stone crusher has not been denied or refuted.

6. Learned Trial Court seems to have directed maintenance of Rs.7,000/- each of the Applicant i.e. wife and two children. However, as pointed out, there is no distinct reasoning assigned by learned Trial Court while awarding compensation to the tune of Rs.3,00,000/-, which apparently seems to be on higher side. Learned First Appellate Court also has not considered said approach of learned Trial Court and, therefore, interference to that extent is only called for.

7. This being revision, limited scope for this Court to ascertain whether there is patent illegality, perversity or error on the part of Trial Court as well as First Appellate Court. Re-appreciation of evidence is not permitted. As except to the extent of grant of compensation, grant of

maintenance does not seem to be erroneous. Therefore, interference to the limited extent is called for. Hence, I proceed to pass following order:

ORDER

- (a) Criminal Revision Application is partly allowed.
- (b) Clause 3 of judgment and order dated 09.03.2021 passed in PWDV Application No. 19/2017 is modified to the extent of granting compensation to the tune of Rs. 1,00,000/- (Rupees One Lakhs Only) instead of Rs. 3,00,000/-.
- (c) Rest of the order to remain intact.

(ABHAY S. WAGHWASE, J.)

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