



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO.212 OF 2025

Sayali Devidas Sonwane,
Age : 28 years, Occu. : Household,
R/o. C/o. Arun Maruti Satpute,
Behind Sai Mangal Karyalaya,
Supa, Tq. Parner, Dist. Ahilyanagar.

... Applicant
(Orig. Complainant)

Versus

1. Devidas Prakash Sonwane,
Age : 32 years, Occu. : Service,
R/o. Parwadi, Tq. Baramati,
Dist. Pune.
2. Vaishali Prakash Sonwane,
Age : 63 years, Occu. : Household,
R/o. Parwadi, Tq. Baramati,
Dist. Pune.
3. Kiran Prakash Sonwane,
Age : Major, Occu. : Business,
R/o. Parwadi, Tq. Baramati,
Dist. Pune.
4. Ujwala Vijay Dhas,
Age : Major, Occu. : Household,
R/o. Kothul, Tq. Shrigonda,
Dist. Ahmednagar.
5. Vijay Shantaram Dhas,
Age : Major, Occu. : Service,
R/o. Kothul, Tq. Shrigonda,
Dist. Ahmednagar.
6. Dwarkabai Raghunath Satpute,
Age : Major, Occu. : Household,
R/o. Kedgaon,
Tq. & Dist. Ahmednagar.

... Respondents
(Orig. Respondents.)

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Mr. Z. H. Farooqui, Advocate for Applicant/Petitioner.

Mr. Shashikant E. Shekade, Advocate for Respondent No.1.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 23 FEBRUARY 2026

PRONOUNCED ON : 25 FEBRUARY 2026

ORDER :

1. Revisionist - wife takes an exception to the judgment and order dated 28.04.2025 passed by Additional Sessions Judge, Ahmednagar in Criminal Appeal No. 253 of 2023 arising out of judgment and order dated 07.08.2023 passed by learned Judicial Magistrate First Class, Court No.2, Parner, Dist. Ahmednagar on application Exh.5 in Criminal M.A. No. 293 of 2021.

2. Present revision petitioner filed Criminal M.A. No.293 of 2021 before learned J.M.F.C. Parner, on the premise that, she was married with respondent no.1 on 14.07.2020 and she narrated all the gifts and articles given in the marriage to husband. According to her, at that time, husband was working in Fiat Company and earning Rs.25,000/- and he was also having ancillary business of glass and aluminum. That, she was subjected to maltreatment on petty counts and she has narrated all instances till she was allegedly deserted and financial aid was blocked and not provided to her and as she had no independent source of income, she was compelled to institute above proceedings.

3. The application was opposed by the respondent - husband refuting all the allegations and he also levelled several allegations including wife taking treatment for mental health issues.

4. After appreciating the affidavits of both sides, learned J.M.F.C. was pleased to record a finding that, as wife was victim of domestic violence and as she was shown to be residing separately and further as she has no independent means of survival, learned J.M.F.C. by order dated 07.08.2023 partly allowed the interim application and directed husband to pay Rs.2,000/- per month towards maintenance to the wife till disposal of main application.

5. The above order was questioned by wife before the Court of learned Additional Sessions Judge, Ahmednagar, who was pleased to dismiss the appeal. Hence, again for questioning the same, wife has come before this court by way of instant revision.

6. Learned counsel for petitioner would submit that, it has been demonstrated that, due to maltreatment, wife was constrained to live separately and there is no dispute to that extent. He further pointed out that, there was no dispute that wife has no independent source of income. He further submitted that, husband earns a salary as well as had income from other business, and therefore, substantial interim maintenance ought to have been granted. Amount granted is

too meager, more particularly when wife has no other source of income. According to him, both the learned J.M.F.C. as well as learned First Appellate Court failed to properly consider and appreciate her case.

7. The revision is opposed by respondent husband justifying the order of both the learned trial court as well as learned First Appellate Court.

8. This being revision, while exercising powers under section 397 of Cr.P.C., this court is merely expected to test the legality, propriety or illegality in the findings recorded by learned trial court. Such powers are to be exercised to prevent miscarriage of justice and when there are glaring errors on the face of order or there is failure and non compliance of law. Re-appreciation is to be avoided unless findings are patently perverse and as such, is the narrow scope of revisional court. Law regarding the scope of revision is elucidated in catena of judgments. Though there are catena of judgments, the landmark judgment of ***Amit Kapoor v. Ramesh Chander and another*** (2012) 9 SCC 460 is relied and the relevant observations therein are borrowed and quoted as under :

“12. Section 397 of the Code vests the court with the power to call for and examine the records of an inferior court for the purposes of satisfying itself as to the legality and regularity of

any proceedings or order made in a case. The object of this provision is to set right a patent defect or an error of jurisdiction or law. There has to be a well-founded error and it may not be appropriate for the court to scrutinise the orders, which upon the face of it bears a token of careful consideration and appear to be in accordance with law. If one looks into the various judgments of this Court, it emerges that the revisional jurisdiction can be invoked where the decisions under challenge are grossly erroneous, there is no compliance with the provisions of law, the finding recorded is based on no evidence, material evidence is ignored or judicial discretion is exercised arbitrarily or perversely. These are not exhaustive classes, but are merely indicative. Each case would have to be determined on its own merits.

13. Another well-accepted norm is that the revisional jurisdiction of the higher court is a very limited one and cannot be exercised in a routine manner. One of the inbuilt restrictions is that it should not be against an interim or interlocutory order. The Court has to keep in mind that the exercise of revisional jurisdiction itself should not lead to injustice ex facie. Where the Court is dealing with the question as to whether the charge has been framed properly and in accordance with law in a given case, it may be reluctant to interfere in exercise of its revisional jurisdiction unless the case substantially falls within the categories aforesaid. Even framing of charge is a much advanced stage in the proceedings under the CrPC."

9. Keeping the above settled legal position on record, evidence and impugned order are put to scrutiny.

10. After considering the above submissions and on going through the record, there is no dispute that parties are husband and wife, who seem to have got married on 14.07.2020. Within a period

of one year, dispute seems to have cropped up and as relations became strained, in view of allegation and counter allegations, wife separated. Admittedly, wife has no independent source of income. There is no denial that husband works in Fiat company and earns salary. In the affidavit before the learned trial court, he himself has given his expenses to the tune of Rs.37,000/-. Though he has deliberately suppressed the actual earnings and when his expenses are to the above extent, inference that can be readily drawn that he earns sufficiently. Learned J.M.F.C. has granted merely interim maintenance to the tune of Rs.2,000/- per month. It is neither exorbitant nor meager as it is merely interim maintenance. Main matter is still pending. There is no illegality or perversity is brought to the notice of this court so as to interfere in the impugned order. Hence, I proceed to pass the following order :

ORDER

Criminal Revision Application stands dismissed.

(ABHAY S. WAGHWASE, J.)