



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 3727 OF 2024
IN REVNST/9874/2024**

Umakant Annasaheb Thakur

VERSUS

Sangita Umakant Thakur

...

Mr. R. D. Deshmukh, Advocate for Applicant

Ms. P. R. Wankhade, Advocate for Respondent

...

WITH

**CRIMINAL APPLICATION NO. 711 OF 2026
IN APPLN/3727/2024**

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CORAM : AJIT B. KADETHANKAR, J.

DATED : 30TH MARCH, 2026

FINAL ORDER :-

. The applicant is the husband of the sole respondent. The matrimonial relationship is not disputed by any party. The differences between the parties constrained the sole respondent to initiate proceedings under Section 125 of the Cr.P.C. before the learned Judge, Family Court, Aurangabad. The respondent subsequently filed Criminal Miscellaneous Application No.22 of 2021 taking recourse to the Section 127 of the Criminal Procedure Code seeking enhancement in the maintenance.

2. After hearing both the parties, the Family Court enhanced the monthly maintenance from Rs.14,000/- per month to 25,000/- per month. This order was passed on

17.08.2023. The applicant has taken exception to the order whereby the maintenance amount is enhanced.

3. Mr. R. D. Deshmukh, learned Counsel for the applicant would submit that subsequently in the year 2025, the applicant is superannuated from his post and now he hardly gets pension of Rs.32,000/- per month. He would submit that if the payment of maintenance to the tune of Rs.25,000/- as ordered in the proceedings under Section 127 is continues to operate, the applicant would be at serious prejudice. He would submit that there has been a drastic change in the circumstances warranting a reduction in the maintenance amount.

4. He submits that there is a controversy as regards to the recovery of the arrears in respect of the maintenance amount. He would submit that he has deposited an amount of Rs.2,21,000/- in the Trial Court, and further Rs.1,75,000/- in this Court towards the arrears. He strenuously submits that in fact his salary was also attached for some period, and the record is clear that he does not owe any recovery against any interest.

5. Ms. P. R. Wankhede, learned Counsel for the respondent however objects the submissions on facts. She submits that the applicant even today is in arrears of atleast of Rs.4,00,000/- She submits that she has filed Criminal Application No.711 of 2026 in the present proceedings seeking withdrawal of the amount deposited by the applicant.

6. Mr. R. D. Deshmukh, learned Counsel for the applicant after going through the provisions of Section 127 of the Criminal procedure Code would submit that in view of the drastic change in the circumstances, he be permitted to file an appropriate application under Section 127 in the Family Court, Aurangabad requesting to reduce the maintenance amount.

7. Both the parties are at dispute over certain facts. It would be just and proper if the Trial Court decides such disputed questions on facts and pass orders accordingly. In view of this, the Criminal Revision Application stands disposed of with liberty to the applicant to file appropriate proceedings under Section 127 of the Criminal Procedure Code before the Family Court.

8. The Family Court, Aurangabad after hearing both the parties shall pass appropriate orders on its own merits. Till then, the applicant shall keep regularly depositing the enhanced amount of maintenance i.e. Rs.25,000/- per month in the Trial Court. The wife/respondent is permitted to withdraw every amount so deposited by the petitioner.

9. All contentions of the parties are kept open. It is made clear that this Court has not passed any observation on merits of the matter.

10. So far as the amount deposited by the applicant is concerned, the Criminal Application No.711 of 2026 filed by the wife/respondent is allowed.

11. The applicant in Criminal Application No.711 of 2026 is permitted to withdraw the amount of Rs.1,75,000/- pending in this Court deposited by the respondent/husband.
12. The amount permitted to be withdrawn shall be coupled with the interest accrued thereon.
13. While deciding the issue of quantum as also the arrears, the Family Court, Aurangabad shall adjust the amount so permitted to be withdrawn.
14. In view of this, Criminal Revision Application as also the Criminal Application stand disposed of.

(AJIT B. KADETHANKAR, J.)