

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3074 OF 2024

1. Hemant Suresh Kadam
2. Suresh Ganpat Kadam ...Petitioners

Versus

1. Deepali Hemant Kadam
2. The State of Maharashtra ...Respondents

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Mr. Nikhil Wadikar a/w. *Mr. Parth Katria i/b Nandu Vishnu Pawar, for Petitioners.*

Mr. Ajinkya M Udane, *for Respondent No. 1.*

Mr. R.V. Newton, *APP for Respondent No. 2-State.*

CORAM : MADHAV J. JAMDAR, J.

Date : 6th February, 2026

PC :

1. Heard Mr. Wadikar, Learned Counsel appearing for the Petitioners, Mr. Udane, Learned Counsel appearing for Respondent No. 1 and Ms. Newton, Learned APP for the State.

2. By the present Writ Petition filed in the Article 227 of the Constitution of India, the challenge is to the legality and validity of order dated 12th August, 2022 passed by the Learned Judicial Magistrate, First Class, A.C. Court, Pune below Exhibit 5 in Criminal Miscellaneous Application No.3745 of 2021, as also, the Order dated 31st January,

2024 passed by the Learned Additional Sessions Judge, Pune in Criminal Appeal No. 278 of 2022 (“*Impugned Orders*”).

3. By the Impugned Order dated 12th August, 2022 passed by the Learned Judicial Magistrate, First Class, A.C. Court, Pune, Rs. 30,000/- has been directed to be paid as maintenance to the children and Rs. 12,000/- has been directed to be paid towards rent. The said order has been confirmed by the Impugned Order dated 31st January, 2024 passed by the Learned Additional Sessions Judge, Pune in Criminal Appeal No. 278 of 2022. The Learned Appellate Court has observed that as per the affidavit of assets and liabilities filed by the Petitioner-Husband, he has stated that his monthly expenses are Rs.39,000/- and his monthly income is Rs.14,000/-.

4. The Learned Trial Court has recorded that the Petitioner is an investor in the share market and advisor in share market investments. He is having two immovable properties which are self acquired. One is flat and another is shop. He is also paying installment of car loan. Thus, in these circumstances, the Appellate Court has recorded that although he has shown his income as Rs. 14,000/- per month, he is paying salary of labours, light bill, maintenance etc. and also having a car. Thus, in the

facts and circumstances and in view of the conduct of the Petitioner-Husband which has been recorded in the Impugned Orders, no interference in the Impugned Orders is warranted in the writ jurisdiction of this Court under Article 227 of the Constitution of India.

5. Accordingly, the Writ Petition is *dismissed*.
6. *Ad interim* protection, if any, shall stand vacated forthwith.

[MADHAV J. JAMDAR, J.]