

MHST010018542018

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Exhibit No. : (20)

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE, SATARA
(Presided over by A. S. Waghmare)

Criminal Revision Application No. 53/2018

Kiran Rajaram Pol,	}	
Age - 38 years, Occu. - Nil,	}	... APPLICANT
R/o.- 2, Vyankatpura Peth,	}	(Ori. Respondent)
Gurudev Apartment, Satara.	}	

Versus

- | | | |
|-------------------------------------|---|----------------------|
| 1. Shubhangi Kiran Pol, | } | |
| Age - 34 years, Occu. - Nil, | } | |
| 2. Yash Kiran Pol, | } | |
| Age - 9 years, Occu. - Education, | } | |
| Both R/o.- through | } | |
| Laxman Gopal Khandait, | } | ... OPPONENTS |
| Chandan Nagar, Post MIDC, | } | (Ori. Applicants) |
| Taluka & District Satara. | } | |
| 3. The State of Maharashtra. | } | |

APPEARANCE :

Advocate Mr. G. M. Pharande for applicant.

Advocate Mr. V. A. Deshmukh for opponent Nos. 1 & 2.

Learned APP Mr. A. R. Kulkarni for opponent No. 3.

JUDGMENT

(Delivered on 24th day of June, 2026)

This Revision Application is filed against the judgment and order passed by the learned Judicial Magistrate First Class (Court No.12), Satara in Criminal M.A. No.639/2014 on 04.04.2018. By way of said judgment and order, an application filed by the opponent Nos. 1 and 2 under Section 125 of the Code of Criminal Procedure (for the sake of brevity hereinafter referred as “Cr.P.C.”) was partly allowed.

02] The applicant is the original respondent and the opponent Nos. 1 and 2 are the original applicants. The opponent No.3 is the State of Maharashtra. For the sake of brevity, the parties in the present petition are referred to by their nomenclature before the learned Trial Court.

03] **Brief facts of the applicant's case are as under :-**

A] The respondent is the husband of applicant No. 1 and father of applicant No.2. On 17.07.2007 marriage of applicant No.1 solemnized with respondent. At the time of marriage, the parents of applicant No. 1 gave the respondent a Gold chain weighing two Tolas and a Gold ring weighing half Tola.

B] After marriage, applicant No. 1 went to cohabit with the respondent. The respondent's parents started harassing applicant No. 1 on the ground that they were not properly honored during the marriage and began quarreling over trivial issues. Further

they were taking suspicion on her character and were not treating her in proper manner.

C] Meanwhile, applicant No. 2 was born. Thereafter, the respondent and his family members were taunting applicant No. 1 on the count of caesarean delivery. As such, they were mentally harassing her.

D] On 21.07.2011, the respondent called the parents of applicant No. 1 and drove applicant No. 1 out of the house and told that he would not maintain applicants.

E] Thereafter, meetings were held between applicant No. 1 and the respondent on 01.08.2011 and 29.08.2011. However, the respondent refused to take applicant No. 1 back for cohabitation.

F] On 21.02.2011, while applicant No. 1 was staying with the respondent, he again abused her and told her to leave and go to her parental home. He threatened that he would defame her among all her relatives. The respondent told applicant No. 1 that he will not maintain her.

G] On 02.03.2011, the respondent submitted an application through the Legal Services Authority. Accordingly, on 05.03.2011, applicant No. 1 and the respondent attended counseling. At that time, by way of settlement, the respondent executed a writing on a stamp paper of Rs.100/- stating that he would take proper care of applicant No. 1 and would not harass her and took her back for cohabitation. However, the respondent again started harassing applicant No. 1, refused to keep her with him and drove her out of the house.

H] After returning to her parental home, applicant No. 1 lodged a complaint against the respondent with the Police. Since the respondent refused to maintain applicants, the applicant No. 1 has been compelled to reside at her parental home alongwith applicant No. 2.

I] The respondent has neglected applicants without any justifiable reason and has not made any arrangement for their day-to-day living expenses. Applicants have no source of income. Applicant No. 1 suffers from thyroid problems and is undergoing treatment. Due to the harassment caused by the respondent and his family members, applicant No. 1 has also started suffering from high blood pressure.

J] The applicant No. 2 is studying in an English-medium school, and applicant No. 1 is unable to bear the educational and medical expenses of applicant No. 2. The respondent owns a shop in Vyankatpura Peth and carries on an electrical business there. He earns an income of approximately Rs.20,000/- to Rs.25,000/- per month. The respondent's father receives pension. Apart from applicants No. 1 and 2, no one else is dependent on the respondent's income. Hence, the applicants have requested to allow application.

04] The respondent filed say vide Exh.11 and strongly objected application by contending that -

A] The respondent never suspected the character of applicant No. 1 nor did he subject her to cruelty. On the contrary, he

had expressed a desire that applicant No. 1 should complete her education.

B] The applicant No. 1 voluntarily started living separately from the respondent and left the matrimonial home taking all her Gold ornaments with her.

C] At the time of delivery of applicant No. 1, the respondent himself gave consent to the Doctor for the caesarean operation.

D] The respondent had also permitted applicant No. 1 to accompany her mother on a pilgrimage. However, even after fifteen days had passed, applicant No. 1 did not return to the respondent. Therefore, when the respondent went to inquire, applicant No. 1 informed him that she had no desire to cohabit with him.

E] No meetings, as stated by the applicant ever took place between the applicant and the respondent. The respondent and his relatives attempted to persuade the applicant, but the applicant consistently refused to resume cohabitation.

F] In the criminal proceedings filed by the applicant, the respondent has been acquitted. The respondent and his family members have not committed any of the acts of cruelty or harassment.

G] The applicant No. 1 left the respondent's house on her own without any sufficient reason. Even after the respondent made sincere efforts, the applicant did not return for cohabitation.

Applicant No. 1 has kept applicant No. 2 away from the respondent. Because of this, the respondent has suffered mental agony. Hence, the respondent has prayed to dismiss the application.

05] The learned Trial Court partly allowed the application on merits on 04.04.2018 and ordered the respondent to pay maintenance of Rs. 3,000/- per month to applicant No. 1 and Rs. 2,000/- per month to applicant No. 2. It was also ordered to pay cost of application Rs. 2,000/-.

06] **Being aggrieved by the said judgment and order, the applicant/original respondent has filed the present Revision Application on the following grounds -**

A] The Learned Trial Court has overlooked the fact that the applicant does not have any source of income.

B] The Learned Trial Court erred in relying upon the false and misleading allegations made by the opponent No. 1.

C] The Learned Trial Court has completely ignored the fact that the opponent No. 1 had implicated the applicant and his family members in false crime filed u/s. 498A of the Indian Penal Code.

D] The Learned Trial Court overlooked the documentary as well as oral evidence brought on record by the applicant.

E] The impugned order passed by the Ld. Trial Court is against the principle of natural justice, equity and good conscience.

F] Therefore, the order passed by Ld. Trial Court dated 04.04.2018 be quashed and set aside by allowing this revision application.

07] Heard the Learned Advocate Mr. G. M. Pharande for the applicant, Learned Advocate Mr. V. A. Deshmukh for the opponent Nos. 1 and 2 and Learned APP Mr. A. R. Kulkarni for opponent No. 3. Perused documents on record.

08] In the light of the facts of the case and submissions made on behalf of the parties, the following points arise for consideration and the findings thereon are recorded as under, for the reasons to follow.

Sr.No.	POINTS	FINDINGS
1	Whether the learned Trial Court committed any illegality, perversity or material irregularity in holding that respondent/original applicant Nos.1 and 2 are entitled to maintenance under Section 125 Cr.PC.?	No.
2	Whether the quantum of maintenance awarded by the learned Trial Court requires interference in revisional jurisdiction?	No.

3	Whether the order passed by the learned Trial Court calls for any interference ?	No.
4	What order ?	As per final order.

REASONS

AS TO POINT NOS.1 AND 2 :

09] It is well settled that normally the revisionary jurisdiction is to be exercised only in exceptional cases, when there is glaring defect in the procedure or there is manifest error on the point of law which has consequently resulted in miscarriage of justice. The Revisional Court can interfere when an impugned order which is passed by the Ld. Trial Court, has recorded perverse findings or when certain important material which is on record is overlooked or ignored, which if considered, there would have been different fact findings.

10] In view of this settled principle, it has to be seen whether there is any defect or manifest error on the point of law, resulted into miscarriage of justice in the present matter.

11] The Learned Advocate Mr. G. M. Pharande for the applicant argued that the judgment and order passed by the Ld. Trial Court in Criminal M.A. No.639/2014 is erroneous. The applicant is not having permanent income source. Out of his income, he maintains himself and his parents. Therefore, the applicant is incapable of paying maintenance to the opponents. Opponent Nos. 1

and 2 do not reside with the applicant. Therefore, the judgment passed by the Ld. Trial Court is illegal. The Ld. Trial Court has not properly considered the factors relating to the quantum of maintenance. While determining the maintenance amount, the Ld. Trial court did not consider that the applicant had no source of income and also failed to consider his capacity to work. Therefore, the judgment and order passed by the Ld. Trial Court is liable to be set aside. Hence, prayed that the said impugned order be quashed and set aside by allowing this revision application.

12] On the contrary, the Learned Advocate Mr. V. A. Deshmukh for the applicant argued that the maintenance amount granted by the Ld. Trial Court is insufficient considering the rising inflation and present circumstances. In spite of that even the amount of maintenance granted by Ld. Trial Court is adequate. The impugned order is correct and proper. So, there is no need of interference in the judgment and order passed by the Ld. Trial Court. Hence, prayed that the present Criminal Revision Application deserves to be dismissed.

13] It is a settled principle that proceedings under Section 125 Cr.P.C. are summary in nature. The object of the provision is social justice and to provide immediate relief to a neglected wife and child. The Court is not expected to conduct a detailed trial as in a civil suit. In the present case, the relationship between the parties is not disputed. The respondent admits that applicant No.1 is his legally

wedded wife and applicant No.2 is his son. Therefore, the first requirement under Section 125 Cr.PC. stands established.

14] The principal defence of the respondent is that applicant No.1 voluntarily left the matrimonial home without sufficient reason. However, from the material placed before the Trial Court, it appears that there were serious matrimonial disputes between the parties. Applicant No.1 has consistently alleged harassment and ill-treatment at the hands of the respondent and his family members. She has further stated that several attempts at reconciliation were made through meetings and counseling proceedings. The fact that counseling proceedings were undertaken itself indicates that matrimonial discord existed between the parties.

15] The respondent contended that no such meetings took place and that applicant No.1 was unwilling to resume cohabitation. However, except his bare denial, no convincing material is shown to establish that applicant No.1 left the matrimonial home without any sufficient cause. The learned Trial Court after appreciating oral evidence accepted the version of applicant No.1. Revisional jurisdiction is limited and this Court cannot substitute its own view merely because another view is possible.

16] The respondent has strongly relied upon his acquittal in the criminal case filed under Section 498-A of the Indian Penal Code. However, acquittal in a criminal prosecution does not automatically disentitle a wife from claiming maintenance. The standard of proof

in a criminal trial is proof beyond reasonable doubt, whereas proceedings under Section 125 Cr.PC. are decided on the basis of preponderance of probabilities. Therefore, acquittal in the criminal case by itself cannot be treated as conclusive proof that applicant No.1 had no reason to reside separately.

17] The evidence on record further shows that applicant No.1 has been residing separately and maintaining the minor child. The respondent has not produced any convincing evidence to demonstrate that he has been regularly providing maintenance to either applicant No.1 or applicant No.2. Neglect and refusal to maintain can be inferred from the surrounding circumstances and prolonged absence of financial support. The respondent has also contended that he has no source of income. However, the burden to establish inability to earn rests heavily upon the husband when his capacity to work is not disputed. A healthy and able-bodied person cannot avoid his statutory obligation to maintain his wife and child merely by asserting that he has no income.

18] The applicants have specifically pleaded that the respondent is carrying on electrical business. Even assuming that exact income is not proved by documentary evidence, the Court is entitled to draw reasonable inference regarding earning capacity from the occupation, age, physical condition and surrounding circumstances of the respondent. Applicant No.2 is the minor son of the respondent. The liability of a father to maintain his minor child is absolute and independent. The respondent has never disputed

paternity. Therefore, the award of maintenance to applicant No.2 is fully justified.

19] So far as, the quantum of maintenance is concerned, the learned Trial Court awarded Rs.3,000/- per month to applicant No.1 and Rs.2,000/- per month to applicant No.2 by order dated 04.04.2018. Considering the rising cost of living, educational expenses of the child and basic needs of the applicants, the amount awarded cannot be said to be excessive or unreasonable. On the contrary, the amount appears to be modest.

20] It is well settled that revisional powers are supervisory in nature. Unless the findings recorded by the learned Trial Court are perverse, illegal or wholly unsupported by evidence, interference is not warranted. The respondent has failed to demonstrate any jurisdictional error, perversity or material irregularity in the impugned order.

21] After carefully examining the record and considering the submissions advanced on behalf of the parties, this Court is of the opinion that the learned Trial Court rightly concluded that applicant No.1 was residing separately for sufficient cause and that both applicants were entitled to maintenance. The findings recorded by the learned Trial Court are based upon proper appreciation of evidence and do not call for interference. Hence, point Nos.1 to 3 are answered in the negative and the following order is passed :

ORDER

1] Criminal Revision Application No.53/2018 is dismissed.

2] The judgment and order dated 04.04.2018 passed by the learned Judicial Magistrate First Class, (Court No.12), Satara in Criminal M.A. No. 639 of 2014 is hereby confirmed.

3] The copy of judgment be sent alongwith record and proceeding to the learned Trial Court.

(Dictated and pronounced in open Court)

Date: 24.06.2026.

(A. S. Waghmare)
Sessions Judge, Satara.