



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 4TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V.SRISHANANDA

CRIMINAL PETITION NO. 100651 OF 2025

(482(CR.PC)/528(BNSS))

BETWEEN:

SRI BABASAHEB S/O. BALAVANT POTADAR,
AGE. 53 YEARS, OCC. GOVT. TEACHER,
R/O. BHAT NAGANUR, TQ. CHIKKODI-591241,
NOW AT BASTAWADE, KAGAL TALUK,
DIST. KOLHAPUR, STATE OF MAHARASHTRA-416311.

...PETITIONER

(BY SRI. GANAPATI M. BHAT, ADVOCATE)

AND:

SMT. LATA W/O. BABASAHEB POTADAR,
AGE. 50 YEARS, OCC. NIL,
R/O. KONNUR, TALUK. GOKAK,
DIST. BELAGAVI-591231.

...RESPONDENT

(BY SRI. S.A. SONDUR, ADVOCATE)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 528 OF BNSS, 2023, PRAYING TO ALLOW THE CRIMINAL PETITION AND SET-ASIDE ORDER DATED 22.11.2024 IN CRL.R.P.NO.8022/2024 PASSED BY THE COURT OF XII ADDL. SESSIONS JUDGE, BELAGAVI, SITTING AT GOKAK AND CONFIRM ORDER DATED 04.04.2024 IN CRL.MISC.NO.102/2017 PASSED BY THE COURT OF II ADDL. CIVIL JUDGE AND J.M.F.C., GOKAK WHICH FILED U/SEC. 127(1) OF CODE OF CRIMINAL PROCEDURE, IN SO FAR AS PETITIONER/ACCUSED IS CONCERNED, IN THE INTEREST OF JUSTICE.

THIS CRIMINAL PETITION COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:





ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE V.SRISHANANDA)

1. Heard Sri.Ganapati M. Bhat, learned counsel for petitioner and learned counsel Sri.Sourbh Sondur, learned counsel appearing for respondent.

2. The petitioner is the husband. The trial Magistrate had awarded maintenance at the rate of ₹2,500/- in the first instance. Later on, the respondent-wife filed a petition under Section 123 of the Code of Criminal Procedure seeking enhancement of the maintenance. The same was dismissed after contest by the learned trial Magistrate.

3. The respondent-wife filed a revision petition in Criminal Revision Petition No.8022/2024 before the District Court. The said revision petition, after contest, came to be allowed. The said order is impugned in the present petition.

4. Learned counsel Sri.Ganpathi M.Bhat, appearing for respondent would contend that ordering the maintenance at the rate of ₹15,000/- from 13.03.2017 by the First Appellate Court has resulted in a grave miscarriage of justice, inasmuch as, at the relevant point of time, the salary of the petitioner was only



₹34,000/- and therefore ordering ₹15,000/- maintenance has resulted in a miscarriage of justice.

5. *Per Contra*, Sri.Sourabh Sondur, learned counsel appearing for respondent, supports the impugned order.

6. Having heard the arguments of both sides, this Court perused the material law on record meticulously.

7. On such perusal of the material on record, this Court is of considered opinion that if the impugned order is modified by directing the petitioner to pay enhanced maintenance from 13.03.2017 to 23.05.2024 at the rate of ₹10,000/- per month and thereafter directed to pay maintenance at the rate of ₹15,000/- per month, it would meet the ends of justice.

8. With that modification, the revision petition stands disposed of.

Sd/-
(V.SRISHANANDA)
JUDGE