



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 15TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

CRIMINAL PETITION NO.201336 OF 2025

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

BETWEEN:

SRI. JATTEPPA S/O HALLEPPA HADNUR
AGE: 37 YEARS, OCC: GOVT SERVANT,
R/O ISLAMPUR, TQ. HUNASAGI
DIST. YADAGIRI-585215.

...PETITIONER

(BY SRI. B. BHIMASHANKAR, ADVOCATE)

AND:

1. SMT. POORNIMA @ ASHWINI
W/O JETTEPPA HADNUR,
AGE: 29 YEARS, OCC: COMPUTER OPERATOR,
IN CMC SHORAPUR R/O NEAR BADI MASJID
SHORAPUR, TQ.SHORAPUR,
DIST. YADAGIRI-585221.
2. KUMARI BINDUSHRI D/O JETTEPPA HADNUR
AGE: 9 YEARS, OCC: MINOR,
U/G SMT. POORNIMA,
@ ASHWINI W/O JETTEPPA HADNUR
AGE: 28 YEARS OCC: COMPUTER OPERATOR
IN CMC SHORAPUR
R/O NEAR BADI MASJID SHORAPUR
TQ. SHORAPUR DIST. YADAGIRI-585224.

...RESPONDENTS

(BY SRI. KRUPA SAGAR PATIL, ADVOCATE)

Digitally signed
by NIJAMUDDIN
JAMKHANDI
Location: HIGH
COURT OF
KARNATAKA



THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C. (OLD), UNDER SECTION 528 OF BNSS (NEW), PRAYING TO, 1) QUASH THE IMPUGNED ORDER DATED 16.08.2025 PASSED BY THE LEARNED II ADDL. DISTRICT AND SESSIONS COURT, YADAGIR SITTING AT SHORAPUR IN CRL.REVISION PETITION NO.5014/2025 (OLD CRL.R.P.34/2024) WHILE CONFIRMING THE ORDER DATED 04.06.2024 PASSED IN CRL.MISC.NO.205/2020 BY THE LEARNED PRL. CIVIL JUDGE AND JMFC AT SHORAPUR, CONSEQUENTLY DISMISS THE PETITION FILED BY THE PETITIONER NO.1

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM)

This revision petition is filed by the husband calling in question the order dated 16.08.2025 passed by the learned II Additional District and Sessions Judge, Yadgir, sitting at Shorapur, in Crl.R.P.No.5014/2025 (Old Crl.R.P.No.34/2024), whereby the Revisional Court confirmed the order dated 04.06.2024 passed in Crl.Misc.No.205/2020 by the learned Principal Civil Judge and JMFC, Shorapur, awarding maintenance to the wife at



the rate of Rs.10,000/- per month and Rs.5,000/- per month to the daughter.

2. Heard the learned counsel appearing for the petitioner and the learned counsel for the respondents. Perused the material on record as well as the orders passed by both the Courts below.

3. The record reveals that respondent No.1/wife filed a petition under Section 125 of the Code of Criminal Procedure in Crl.Misc.No.205/2020 seeking monthly maintenance of Rs.15,000/-. On service of notice, the petitioner/husband entered appearance and disputed the marital relationship. In the alternative, he contended that respondent No.1 was gainfully employed as a Computer Operator in the CMC Office at Shorapur, drawing a monthly salary between Rs.9,000/- and Rs.10,000/-. At the same time, the petitioner admitted his net income after deduction of loan amounts to be Rs.15,508/-.



4. The learned Magistrate, after appreciating the material on record, more particularly the payslip of the petitioner produced at Ex.P7 disclosing the gross salary of the petitioner as Rs.58,580/- and net salary as Rs.33,499, allowed the petition by order dated 04.06.2024, granting maintenance of Rs.10,000/- per month to the wife and Rs.5,000/- per month to the minor daughter.

5. Aggrieved thereby, the husband preferred a revision petition before the Revisional Court, producing additional documents to substantiate his contention that the wife was earning Rs.23,923/- per month. However, the Revisional Court, while noticing the said fact, declined to interfere on the ground that the wife was working only on a contractual basis, and accordingly dismissed the revision petition. The concurrent findings of both the Courts below are thus under challenge in this revision petition.



6. On examination of the orders impugned and the material on record, it is evident that the right of a wife to claim maintenance under Section 125 of Cr.P.C. is a measure of social justice intended to prevent destitution and vagrancy. The provision has a constitutional underpinning traceable to Article **15(3)** of the Constitution of India. At the same time, the entitlement to maintenance arises only when the wife is unable to maintain herself. The Hon'ble Supreme Court in ***Rajnesh V. Neha and Another*¹**, has emphasized the necessity for both spouses to furnish an affidavit of disclosure of assets and liabilities to enable the Court to ascertain the true financial position of the parties.

7. In the present case, the material placed on record, including Ex.D-3 (admission in O.S.No.89/2020), reveals that the respondent-wife has secured employment subsequent to the filing of the petition and is presently drawing a monthly salary of Rs.23,923/-.

¹ (2021) 2 SCC 324



Though the Revisional Court took note of this fact, it declined to interfere solely on the premise that the employment is contractual. Such reasoning, in the opinion of this Court, is erroneous and suffers from perversity.

8. When the wife is gainfully employed and earning a reasonable monthly income, even if on a contractual basis, she cannot be considered as unable to maintain herself. Hence, the award of Rs.10,000/- per month as maintenance to the wife is unsustainable and warrants interference. However, considering that the daughter is pursuing her education in a reputed institution, Don Bosco English Premium High School, Yadgir, the maintenance awarded to the child deserves to be suitably enhanced to meet her educational and developmental needs.

9. It is made clear that in the event of any change in circumstances, if the respondent No.1/wife loses her employment or becomes incapable of maintaining herself



for any valid reason in future, the present order shall not preclude her from seeking maintenance afresh by filing an appropriate application in accordance with law.

10. Accordingly, this Court passes the following:

ORDER

- i. The revision petition is allowed in part.
- ii. The order dated 16.08.2025 passed by the learned II Additional District and Sessions Judge, Yadgir, sitting at Shorapur, in Crl.R.P.No.5014/2025 (Old Crl.R.P.No.34/2024), confirming the order dated 04.06.2024 passed in Crl.Misc.No.205/2020 by the learned Principal Civil Judge and JMFC, Shorapur, is set aside insofar as it relates to the award of maintenance to respondent No.1/wife.
- iii. The maintenance awarded to respondent No.2/daughter is modified and enhanced from Rs.5,000/- (Rupees Five Thousand only) per month to Rs.10,000/- (Rupees Ten Thousand only) per month.



- iv. The petitioner/husband shall deposit the enhanced maintenance amount from the date of receipt of a certified copy of this order, and continue to pay the same regularly on or before the 10th of every succeeding month.
- v. All other directions issued by the learned Magistrate not inconsistent with this order shall remain undisturbed.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

NJ
List No.: 1 SI No.: 35
CT:SI