



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 270 OF 2022

Sudhir Avchit Bhalerao

...Applicant

Versus

The State of Maharashtra and Another

...Respondents

Mr. Vijay B. Patil, Advocate for the Applicant.

Mr. S. N. Morampalle, APP for Respondent – State.

Mr. Potdar Eklavya Sandesh, Advocate for Respondent No.2.

CORAM: ABHAY J. MANTRI, J.

DATE : APRIL 29, 2026

ORAL JUDGMENT :

1. When the matter is called out, no one appears for the Applicant either in the Court hall or through video conferencing mode. Mr. Potdar, learned counsel, appears for Respondent No.2 and Mr. Morampalle, learned APP, appears for Respondent No.1. Perused the record.

2. It seems that on 20th April 2026, the matter was called out; on that date, none appeared for the Applicant. Therefore, the matter was adjourned until today for passing orders. Despite the said order, none appeared for the Applicant. It seems that the Applicant is not interested in prosecuting the matter.

3. The Applicant, husband, being aggrieved by the ex parte judgment and order dated 06th June 2022, passed by the learned Judge,



Family Court, Jalgaon, in Petition E-127 of 2021, whereby the learned Judge has granted maintenance of ₹ 7,000/- per month to Respondent No.2, has preferred this revision.

4. At the outset, it appears that Respondent No.2, being the wife, had filed the Petition before the Family Court for the grant of maintenance under Section 125 of the Code of Criminal Procedure, 1973 (for short "*Cr. P. C.*"). The learned Judge, after considering the material before him, partly allowed the Petition and granted maintenance of ₹ 7,000/- per month to Respondent No.2. Hence, the Applicant has preferred this Revision.

5. On perusal of the impugned judgment and order, it appears that the Applicant, despite service of summons, remained absent before the Family Court. Therefore, the petition was proceeded ex parte against him. Similarly, the Applicant has remained absent on the last date and today as well, which indicates that the Applicant is intent on protracting the matter rather than prosecuting the same. Thus, it is prima facie evident that the Applicant is creating a hurdle in the dispensation of justice by remaining absent on the day of hearing of the matter before this Court as well as the learned Family Court. The Applicant is deliberately avoiding attending the matter.

6. Perused the grounds raised in the Revision Application. None of the grounds indicates that the passing of the impugned order is illegal or



perverse and, as such, warrants interference in the revisional jurisdiction. On the contrary, it appears that the Applicant was negligent in prosecuting the matter before the learned Family Court and failed to contest the proceedings before the Trial Court and before this Court. It is apparent from the impugned order that the learned Family Court appreciated the evidence on record in its proper perspective and held that the evidence adduced by Respondent No.2 has gone unchallenged; therefore, there is no reason to disbelieve her oral testimony. Similarly, learned Judge of the Family Court has categorically observed that the husband is serving as Development Officer and the salary certificate of the husband for March 2022 produced on record shows that the Applicant was drawing a total salary of ₹ 33,798/- p.m., and the wife has no source of income and therefore, considering the said evidence, learned Judge has awarded the maintenance of ₹ 7,000/- p.m. to Respondent No.2, therefore, I do not find any illegality or perversity in the said findings.

7. It is worth noting that it is a settled position of law that it is the obligation of the husband to maintain his wife and children, and he cannot be permitted to plead inability to maintain them due to financial constraints as long as he is capable of earning. Similarly, the purposive interpretation of Section 125 of the Cr. P. C. needs to be taken into consideration while dealing with applications filed by a destitute wife, helpless children, or parents under this provision. The purpose is to achieve social justice, which



is the constitutional vision enshrined in the Preamble of the Constitution of India.

8. Furthermore, Section 125 of the Cr. P. C. is a social welfare provision that must receive a liberal and beneficial interpretation. Likewise, it must be borne in mind that the right to maintenance under Section 125 of the Cr. P. C. is not a benefit, but a legal and moral duty owed by the husband to maintain his wife. Undoubtedly, the wife has been residing separately since 2018, and the Applicant has not provided her with any maintenance. This ground itself is sufficient to grant maintenance.

9. Thus, considering the above discussion, it appears that the judgment and order passed by the learned Judge of the Family Court is just and proper and therefore, no interference is warranted in the said judgment and order in revisional jurisdiction.

10. Consequently, **the Application being bereft of merits stands dismissed.** No order as to costs.

11. Needless to clarify that the Applicant is directed to deposit the entire arrears of maintenance amount in the Family Court or pay the same to Respondent No.2, if he has not paid, till this date, within a period of 60 days from today, failing which the Respondent No.2 is entitled to take appropriate steps in accordance with law.

(ABHAY J. MANTRI, J.)