



CNR: KAHC010367712026

NC: 2026:KHC:39592
CRL.RP No. 879 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL REVISION PETITION NO.879 OF 2026

BETWEEN:

1. MR. V.S. BINU,
AGED ABOUT 42 YEARS,
S/O V.N. SOMAIAH,
R/AT ARJI VILLAGE AND POST,
VIRAJPET TALUK,
KODAGU DISTRICT-571218.

...PETITIONER

(BY SRI. MOHANA CHANDRA P., ADVOCATE)

AND:

1. SMT. H.N. RUKMINI,
AGED ABOUT 41 YEARS,
W/O V.S. BINU,
FOREST DEPT. EMPLOYEE,
R/AT GANDHI NAGAR,
VIRAJPET TOWN,
VIRAJPET TALUK,
KODAGU DISTRICT-571218.

...RESPONDENT

(BY MS. DEEPTHI DEVAIAH, ADVOCATE)

THIS CRL.RP IS FILED UNDER SECTION 397 R/W 401 OF
CR.PC (FILED U/S 438 R/W 442 BNSS) PRAYING TO EXAMINE
THE CORRECTNESS, LEGALITY, PROPRIETY OF THE IMPUGNED

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by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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ORDER DATED 08-04-2026 PASSED BY THE COURT OF II ADDL. DISTRICT AND SESSIONS JUDGE, KODAGU-MADIKERI, SITTING AT VIRAJPET IN CRL.APPEAL NO.5021/2024 DISMISSING THE APPEAL FILED BY THE PETITIONER AND THEREBY CONFIRMED THE ORDERPASSED BY THE COURT OF CIVIL JUDGE AND JMFC, PONNAMPET IN CR.M.C.NO.72/2020, AND TO SET ASIDE THE IMPUGNED ORDER DATED 27-3-2024 PASSED BY THE COURT OF CIVIL JUDGE AND JMFC, VIRAJPET IN CR.M.C.NO.72/2020 AND THE SAME WAS CONFIRMED BY THE COURT OF II ADDL. DISTRICT AND SESSIONS JUDGE, KODAGU-MADIKERI, SITTING AT VIRAJPET, DATED 08.04.2026 IN CRL. APPEAL NO.5021/2024 IN THE ABOVE CASE.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

This matter is listed for admission. Heard the learned counsel for the revision petitioner and the learned counsel for the respondent.

2. In this case, the Trial Court granted maintenance of Rs.10,000/- each to the two children and no maintenance is awarded to the respondent wife on the ground that she is working in the Forest Department. It is important to note that



in paragraph No.26 the Trial Court while awarding the maintenance has taken note of the very conduct of the revision petitioner that he has not declared his income and only he claims that he requires Rs.7,500/- per month for his expenses. Nowhere he has shown his income and also even he did not spell out what is his income and what is his avocation and nothing is declared before the Trial Court. The Trial Court in paragraph No.27 taken note of Ex.P.45 is the RTC extract standing in the name of respondent's/revision petitioner's father. On perusal of Ex.P.45, it is noticed that 1 acre 25 cents of land is there and they are growing coffee. Though the said property is standing in the name of the father of the respondent/revision petitioner, but being a son, the respondent/revision petitioner is also having right over the said property. Apart from that, the Trial Court also taken note of the expenses of the children, who are pursuing their education. The Trial Court in paragraph No.31 taken note of that in the cross-examination of R.W.1 he admits that he is not paying any maintenance to his children. The only evidence is that he had borrowed loan from the bank and generally banks will sanction



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loan after observing the income of the borrower only. But nothing is placed on record what was the loan amount he had borrowed and what amount he is repaying.

3. The Trial Court in paragraph No.35 also taken note of the judgment of the Apex Court in the case of **JABSIR KAUR SEHGAL v. DISTRICT JUDGE DEHRADUN AND OTHERS** reported in **(1997) 7 SCC 7**, wherein it is held that the Court has to consider the status of the parties, their respective needs, the capacity of the husband to pay having regard to his reasonable expenses for his own maintenance and of those he is obliged under the law and statutory but involuntary payments or deductions. The amount of maintenance fixed for the wife should be such as she can live in reasonable comfort considering her status and the mode of life she was used to when she lived with her husband and also that she does not feel handicapped in the prosecution of her case. At the same time, the amount so fixed cannot be excessive or exorbitant. The Trial Court also taken note of the judgment of the Apex Court in the case of **SHAMIMA FAROOQUI v.**



SHAHID KHAN reported in **AIR 2015 SC 2025**, wherein extracted the principles laid down in the judgment.

4. The Trial Court in paragraph No.37, taken note that as per letter issued by the Iguttappa Kodagu Sowharda Sahakari Sangha, where the respondent/revision petitioner is working, the income of the respondent/revision petitioner is shown as Rs.6,783/- in March 2023 and less than Rs.4,000/- in all other months for the year 2022 and 2023. It is the duty of the respondent/revision petitioner to declare his income, but he has intentionally not shown his income in his declaration. When such being the case, when the maintenance awarded is Rs.10,000/- each only to the children and not to the wife, since the wife is working in the Forest Department, I do not find any error on the part of the Trial Court. The revision petitioner even suppressed his income and not declared his income before the Court. The Trial Court having taken note of the conduct of the revision petitioner that he has not declared his income, comes to the conclusion that it is the duty of the husband to take care of the children along with the mother and the mother is now taking care of the children and also he has not paid any



maintenance and the same is admitted in the cross-examination of R.W.1.

5. The learned counsel for the revision petitioner would submit that it is the duty of both the parents to take care of the children. Admittedly, the wife is working and she is taking care of the children from the beginning. There is a clear admission on the part of R.W.1 in his cross-examination that he never paid any maintenance to the children. When such being the case, considering today's educational expenses and cost of living, the Trial Court directing the husband to pay the maintenance of Rs.10,000/- each to the two children is not exorbitant and the same is just and reasonable considering the educational expenses. The very contention that the wife should also take care of the children is not in dispute and she is already taking care of the children from the beginning and the husband never made any payment for maintenance of her children and hence, the very contention of the counsel that mother also to take care of the children cannot be accepted, since she is already taking care of the children from the beginning and petitioner never taken care of children as well as



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their educational expenses. Hence, I do not find any ground to admit the petition.

6. Accordingly, the criminal revision petition is dismissed.

Sd/-
(H.P.SANDESH)
JUDGE

MD
List No.: 1 Sl No.: 47