

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 15TH DAY OF JUNE 2015/25TH JYAISHTA, 1937

Crl.MC.No. 3549 of 2015 ()

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CRL.MP. NO.2871/2014 AND 3624/2014 IN CRL. APPEAL NO.277/2014 OF
SESSIONS COURT, KOLLAM.**

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PETITIONERS/RESPONDENTS/COMPLAINANT:

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- 1. MITHRA C.G., AGED 35 YEARS,
W/O.AJAYAKUMAR, SARASWATHY BHAVAN,
KADAMPATTUKONAM, PARIPALLAY P.O., KOLLAM.**
 - 2. ANJANA, AGED 7 YEARS, D/O.MITHRA C.G.,
SARASWATHY BHAVAN, KADAMPATTUKONAM,
PARIPALLAY P.O, KOLLAM, (MINOR REPRESENTED BY
HER MOTHER, 1ST PETITIONER).**

**BY ADVS.SRI.K.SIJU,
SMT.S.SEETHA,
SMT.NIMA JACOB.**

RESPONDENTS/COMPLAINANT & STATE:

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- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM-682 031.**
 - 2. AJAYAKUMAR, AGED 43 YEARS,
S/O.THANKAPPAN, THUNDIL THEKKATHIL
KAPPIL EAST P.O, KRISHNAPURAM VILLAGE,
KARTHIKAPPALLY, ALAPPUZHA-690 516.**

R1 BY PUBLIC PROSECUTOR SMT.REMA. R.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONERS' ANNEXURES:

- ANNEXURE 1** COPY OF THE APPLICATION FILED BEFORE THE JFMC, PARAVOOR UNDER SECTION 12 OF THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE AT.
- ANNEXURE 2** COPY OF THE AFFIDAVIT AND PETITION IN CRL.MP. NO.2250/2014 IN M.C. NO.37/2014 DATED 21/04/2014.
- ANNEXURE 3** COPY OF THE MEDICAL CERTIFICATE ISSUED BY THE PUSHPAGIRI MEDICAL COLLEGE HOSPITAL, THIRUVALLA DATED 21/02/2014.
- ANNEXURE 4** COPY OF THE ORDER IN CMP. NO.2250/2014 IN MC. NO.37/2014 ON THE FILE OF JFMC, PARAVOOR.
- ANNEXURE 5** COPY OF THE ORDER IN CRL.M.P. NO.2871/2014 IN CRL.APPEAL NO.277/2014 ON THE FILE OF SESSIONS COURT, KOLLAM DATED 07/11/2014.
- ANNEXURE 6** COPY OF THE ORDER IN CRL.M.P. NO.3624/2014 IN CRL.APPEAL NO.277/2014 DATED 22/11/2014.

RESPONDENTS' ANNEXURES:

NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

K. ABRAHAM MATHEW, J.

Crl.M.C. No.3549 of 2015

Dated this the 15th day of June 2015

O R D E R

Petition filed under Sec.482 Cr.P.C.

2. Petitioners filed a petition in the trial court under the Protection of Women from Domestic Violence Act. The learned Magistrate passed an interim order directing the respondent before the trial court who is the 2nd respondent in this Criminal M.C. to pay interim maintenance at the rate Rs.10,000/- apart from another amount. This was challenged before the Sessions Court. The learned Sessions Judge stayed the operation of the order subject to the condition that the 2nd respondent to pay Rs.2000/- each to the petitioners as interim maintenance. The prayer in this Crl.M.C. is to set aside the order.

3. Heard the learned counsel for the petitioners and for the 2nd respondent and the learned Public Prosecutor.

4. I do not find anything wrong in the order passed by the learned Sessions Judge. The learned

Magistrate prima facie did not consider any of the relevant facts. So the order was liable to be stayed. The amount that has been fixed by the sessions judge appears to be reasonable.

In the result, this Crl.M.C. is disposed of with a direction to the learned Sessions Judge to dispose of the appeal without delay.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A To Judge