

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

Crl.Rev.Pet.No. 22 of 2015 ()

**(AGAINST THE JUDGMENT IN CRL.A.NO. 45/2014 OF II ADDL.SESIONS COURT,
KOLLAM DATED 22-11-2014)
(CMP.NO.248/2013 IN MC.NO.2/2013 OF CHIEF JUDICIAL MAGISTRATE
COURT, KOLLAM)**

REVISION PETITIONER/APPELLANT/ACCUSED NO.1 :

**NADIRSHA A.M, S/O.ABDUL MAJEED,
RESIDING AT IMAM MANZIL, PALACHIRA.P.O.,
VARKALA, TRIVANDRUM.**

BY ADV. SRI.C.K.SREEJITH

RESPONDENT(S)/COMPLAINANT & STATE :

- 1. SMT. SABEENA, AGED 30 YEARS,
D/O. MUHAMMED KUNJU, RESIDING AT FABIYA,
HOUSE NO.40, KADAPPAKADA NAGAR, KOLLAM TALUK-691 008,
NOW RESIDING AT SHAHANAZ, KULANGARA BHAGAM MURI,
CHAVARA, KOLLAM.PIN-691 021**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031**

R2 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS

**THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 07-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

B.KEMAL PASHA, J

Crl.R.P. No.22 of 2015

Dated this the 7th day of January , 2015

O R D E R

Petitioner herein is the husband of one Smt. Sabeena, aged 30 years who is the petitioner in C.M.P. No.248 of 2013 in M.C. No.2 of 2013 of the Chief Judicial Magistrate's Court, Kollam. She had approached the Court below under Sec.12 of the Protection of Women from Domestic Violence Act (for short, 'the Act') through the M.C. In the M.C. , she has preferred an application under Sec.23(2) of the said Act seeking interim relief by way of maintenance. It seems that the learned Chief Judicial Magistrate has taken the view that the petitioner herein is gainfully employed in gulf and has been earning ₹.65000/- (Rupees sixty five thousand only) per month. It has come out that the petitioner in the M.C. is not being looked after and maintained by the petitioner herein and she has been abandoned. The learned Chief

Judicial Magistrate has directed the petitioner herein to pay an amount of ₹.6000/- (Rupees six thousand only) per month for her livelihood, as maintenance.

2. It seems that the petitioner has challenged the said order before the 2nd Additional Sessions Court, Kollam through Criminal Appeal No.45 of 2014. The learned 2nd Additional Sessions Judge, has concurred with the findings entered by the learned Chief Judicial Magistrate and has dismissed the appeal through the impugned order.

3. Heard the learned counsel for the petitioner and perused the records.

4. On a thread bear scrutiny of the order passed by the learned Chief Judicial Magistrate and the subsequent judgment passed by the learned 2nd Additional Sessions Judge on it, it seems that the concurrent findings rendered by both the Courts below do not call for any interference at all, as those findings do not suffer from any illegality, irregularity or

Crl.R.P. No.22 of 2015 3

impropriety. This Crl. R.P. is devoid of merits and is only to be dismissed, and I do so.

In the result, this Crl. R.P. is dismissed.

Sd/-
B.KEMAL PASHA,
JUDGE

/ True Copy /

NS

P.A. To Judge