

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

Crl.Rev.Pet.No. 2037 of 2013 ()

**AGAINST THE JUDGMENT IN CRL.A 40/2013 OF SESSIONS COURT,PATHANAMTHITTA
DATED 25-06-2013**

**AGAINST THE ORDER IN MC 78/2010 OF JUDICIAL I CLASS MAGISTRATE COURT,
ADOOR DATED 08-02-2012**

REVISION PETITIONER/APPELLANT/COUNTER PETITIONER :

**SANTHOSH KUMAR K., S/O.KUTTAN PILLAI
KOWSTHUBHAM, PARAKODE P.O., ADOOR.**

BY ADV. SRI.ARUN.B.VARGHESE

RESPONDENTS/RESPONDENTS/PETITIONER & STATE :

**1. LAATHAKUMARI S., AGED 30 YEARS, W/O.SANTHOSH KUMAR
KEEZHUTTU VEEDU, PIDAVOOR P.O., PATHANAPURAM
KOLLAM DISTRICT 691 001.**

**2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

**R1 BY ADV. SRI.P.HARIDAS
R2 BY PUBLIC PROSECUTOR SRI. GITHESH R.**

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON
13-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

shg/

K. ABRAHAM MATHEW, J.

Crl.R.P.No.2037 of 2013

Dated this the 13th day of March, 2015

O R D E R

The revision petitioner was ordered to pay Rs.4,000/- each per month as maintenance to his wife, the first respondent, and their child. The order has been confirmed by the learned Sessions Judge in Crl.A.No.40/2013. The legality of the order is challenged.

2. The revision petitioner married the first respondent on 10.06.2007. A child was born to them on 19.5.2008. In the petition the first respondent alleged that the revision petitioner is a drunkard, he used to assault her under the influence of liquor and he even gave her and the child liquor in small quantity. On 4.6.2010 in the night he assaulted her and drove her out of the house. Thereafter, she has been residing with the child in her parents' house. She prayed for maintenance at the rate of Rs.8,000/- per month.

3. Both the learned Magistrate and the Sessions

Judge accepted the first respondent's evidence that the revision petitioner drove her out of the house and thereafter, he failed to maintain her and the child. I do not find any reason to take a different view. The finding is based on the evidence in the case.

4. Admittedly, the child has only one kidney now. He requires treatment. The amount awarded by the learned Magistrate to the child is Rs.4,000/- per month. Having regard to the nature of the disease and the amount required for his treatment it cannot be said that the order to pay Rs.4,000/- per month is not reasonable.

5. It is necessary for the first respondent to take the child to hospitals for treatment. Apart from maintaining herself she will have to spend money to take the child to hospitals. The amount awarded to her towards her maintenance also cannot be said to be unreasonable.

6. The revision petitioner has a jewellery shop. He can afford to pay the maintenance awarded by the courts below. I do not find any illegality or irregularity in the

orders passed by the courts below. There is no merit in the criminal revision petition.

In the result, this criminal revision petition is dismissed.

Sd/-
K. ABRAHAM MATHEW
JUDGE

//True copy//

P.A. TO JUDGE

shg/