

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 16TH DAY OF FEBRUARY 2015/27TH MAGHA, 1936

Crl.Rev.Pet.No. 1590 of 2014 ()

**CRA 564/2013 of ADDITIONAL DIST. & SESSIONS COURT, MOOVATTUPUZHA
MC 22/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT, PERUMBAVOOR**

REVISION PETITIONER/APPELLANT/RESPONDENT :

**VINCENT IGNATIOUS,
S/O. IGNATIOUS VARGHESE, VELEMPARAMBU HOUSE,
POONTHOPPU WARD, AVALOOKUNNU, ALAPPUZHA.**

**BY ADVS.SRI.JOHN JOSEPH(ROY)
SRI.MATHEW JACOB (KUNNATHU)**

RESPONDENTS/RESPONDENTS/PETITIONERS & STATE :

- 1. SUNITHA K.VARGHESE
D/O. VARGHESE, KODIYATTIL HOUSE, RAYAMANGALAM
KURUPPAMPADY, KUNNATHUNADU TALUK,
ERNAKULAM DISTRICT-683 545.**
- 2. ALEX VINCENT (MINOR)
REPRESENTED BY MOTHER SUNITHA K.VARGHESE,
D/O. VARGHESE, KODIYATTIL HOUSE, RAYAMANGALAM,
KURUPPAMPADY, PIN-683 545.**
- 3. ALIX VINCENT (MINOR)
REPRESENTED BY MOTHER SUNITHA K.VARGHESE,
D/O. VARGHESE, KODIYATTIL HOUSE, RAYAMANGALAM,
KURUPPAMPADY, PIN-683 545.**
- 4. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

**R1 BY ADV. SMT.R.RAJASREE (CHUTTIMATTATHIL)
BY ADV. SRI.DINESH MATHEW J.MURICKEN
R4 BY PUBLIC PROSECUTOR SRI. JIBU P. THOMAS**

**THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 16-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

bp

B.KEMAL PASHA, J.

Crl.R.P. No.1590 of 2014

Dated this the 16th day of February 2015

ORDER

The case of the petitioner before the Judicial First Class Magistrate's Court - 1, Perumbavoor is that, she along with her two children, were not being maintained by the petitioner herein and they were neglected by him.

2. The present petitioner had resorted to a contention that the petitioner before the Judicial First Class Magistrate's Court - 1, Perumbavoor is his wife, and that she is mentally ill. He has no contention that the children were not born in his wedlock with his wife. Even though the wife had claimed an amount of Rs.3,000/- each for her two children, the learned Magistrate, by way of an interim measure, had ordered Rs.2,500/- per month as interim

maintenance. The same was challenged by the present petitioner before the Additional Sessions Court, Muvattupuha through Crl.Appeal No.564 of 2013. The learned Additional Sessions Judge has dismissed the appeal. The present request of the petitioner is to get the said interim order set aside. A further request has been forwarded by the learned counsel for the petitioner that the learned Magistrate may be directed to dispose of the matter as expeditiously as possible.

3. Heard the learned counsel for the petitioner and the learned counsel for the party respondents.

4. One of the children is aged 9 and the other is aged 3 ½ years old. The learned Magistrate has ordered an amount of Rs.2,500/- each by way of maintenance to the children. The case of the petitioner is that his monthly income is Rs.9,000/- only. At the same time, the learned counsel for the respondents has argued that he is getting more than Rs.50,000/- as monthly income.

5. Whatever it is, the petitioner has no case that he is incapacitated in any manner due to any ill-health or illness. Matters being so, he is bound to maintain his minor children. The first respondent, who is his wife, is not being paid any maintenance at all. There is absolutely nothing to interfere with the said interim relief granted by the court below. I do not find any illegality, irregularity or impropriety in the impugned order. This revision is devoid of merits and is only to be dismissed and, I do so.

6. In the result, this Crl.R.P. is dismissed. The learned Magistrate shall take every endeavour to dispose of the matter pending before him as expeditiously as possible.

Sd/-
B.KEMAL PASHA,
JUDGE

dl

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PA to Judge