

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

OP(Crl.).No. 110 of 2015 (Q)

MC.NO. 369/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
PARAPPANANGADI

PETITIONER :

PURUSHOTHAMAN T.,
S/O. KANDAR, 'BIJESH NIVAS',
ITHALAMKUNNU, ULLADANTHODI
CHELEMBRA P.O., ERNAD
MALAPPURAM.

BY ADV. SRI.E.NARAYANAN

RESPONDENT(S) :

-
1. BABY
W/O. PURUSHOTHAMAN T.,
'BIJESH NIVAS',
ITHALAMKUNNU, ULLADANTHODI
CHELEMBRA P.O., ERNAD
MALAPPURAM-676 306.
 2. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
KOCHI – 31.

R2 BY PUBLIC PROSECUTOR SRI. JIBU P. THOMAS

THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 01-04-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Mn

...2/-

APPENDIX

PETITIONER'S EXHIBITS :

- EXT.P1 : COPY OF MC NO. 369/2013 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, PARAPPANANGADI.
- EXT.P2 COPY OF COUNTER AFFIDAVIT FILED BY THE PETITIONER IN MC NO. 369/2013.
- EXT.P3 COPY OF ORDER DATED 11-10-2013 IN CMP NO. 4209/2013 IN MC NO. 369/2013.
- EXT.P4 COPY OF CRL.M.P NO. 1446/2014 IN CRL. A. NO. 412/2014 ON THE FILE OF THE SESSIONS COURT, MANJERI.
- EXT.P5 COPY OF THE ORDER DATED 9-12-2014 IN EXHIBIT P5 PASSED BY THE SESSIONS COURT, MANJERI.
- EXT.P6 COPY OF THE PROCEEDING SHEET IN MC NO. 369/2013 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, PARAPPANANGADI.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

B.KEMAL PASHA, J.

O.P.(Crl.) No.110 of 2015 Q

Dated this the 1st day of April 2015

JUDGMENT

This petition is filed with a prayer to stay the orders dated 17.1.2015 and 31.1.2015 in M.C. No.369/2013 of the Judicial First Class Magistrate's Court-1, Parappanangadi.

2. It seems that the defence of the petitioner in M.C.No.369/2013 of the Judicial First Class Magistrate's Court-1, Parappanangadi has been struck off, as the petitioner has failed to comply with the order passed by the said court to pay maintenance at the rate of ₹2,000/- per month, to the petitioner in the said case, who is none other than his wife. Even though such an order was passed, the order was not complied with by the petitioner and thereby, the court below was constrained to pass such an order

dated 31.1.2015.

3. Heard the learned counsel for the petitioner.

4. For the time being, this Court is not expressing any opinion regarding the legality or otherwise, of the said order. The petitioner shall pay half the arrears of maintenance within 15 days from today and the balance amount within 1 ½ months from today. The petitioner shall deposit the said amount before the court below. On such deposit, order dated 31.1.2015 passed by Judicial First Class Magistrate's Court-1, Parappanangadi, will stand set aside. In case the direction is not complied with, this O.P.(CrI.) will have to be treated as dismissed. The court below shall adjourn the matter for a period of two months from today, for enabling the petitioner to comply with this order.

With the said observations, this O.P.(CrI.) is disposed of.

**sd/
B.KEMAL PASHA,
JUDGE**

dl

// True Copy //

PA to Judge