

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15 07.2015

Coram

THE HONOURABLE Mr. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 331 of 2013

T.Prabhakaran

.. Petitioner/Respondent

Versus

Minor Niriksith
rep. by his mother
and next friend
Dheepalakshmi

.. Respondent/Petitioner

Criminal Revision Petition filed under Section 397(3) and 401 of Cr.P.C. to call for the records of the learned Chief Judicial Magistrate, Krishnagiri on 24.01.2013 in M.C.No.12 of 2009 and to set aside the same.

For Petitioner : Mr. R.Senthilkumar

For Respondent : No appearance

ORDER

Though notice has been duly served on the respondent, there is no representation for the respondent. This Criminal Revision has been filed against the order passed by the learned Chief Judicial Magistrate, Krishnagiri on 24.01.2013 in M.C.No.12 of 2009.

2. The marriage between the petitioner and the respondent's mother was taken place on 17.06.2005. It is her case that some time after the marriage, petitioner demanded dowry and deserted her. In the meanwhile, she was blessed with a child. Petitioner also filed H.M.O.P.No.407 of 2008 before the Sessions Judge, Madurai and the same is pending. She is working as a teacher. Being the mother of the minor child, she filed a petition before the trial court, under Section 125 of Cr.P.C., seeking maintenance of her minor son. After trial, the court below, based on the available evidence partly allowed the petition, whereby, directed the husband/petitioner herein to pay a sum of Rs.4,000/- per month to the minor respondent herein towards maintenance till his life time. Aggrieved by the said order, petitioner/husband has come up with the present revision.

3. Mr.R.Senthilkumar, learned counsel appearing for the petitioner would contend that the petitioner was only working as a pharmacist at the time of ordering maintenance by the court below and he was getting stipend of Rs.14,600/- per month. From that, he has to maintain himself and his age old parents. Hence, the order passed

