



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.04.2015
CORAM:

THE HONOURABLE MR. JUSTICE S. NAGAMUTHU

CRL.RC.(MD)No.507 of 2014
and
M.P.No.1 of 2014

K.Ramasamy : Petitioner

Vs.

1.Sakkammal

2.Minor Selsi Bamila

Rep by her mother and natural guardian,
the first respondent herein : Respondent

PRAYER: Petition is filed under Section 397 r/w 401 of the Code of Criminal Procedure, against the order passed in M.C.No.8 of 2013, dated 05.11.2014 by the District Munsif cum Judicial Magistrate, Peraiyur.

For Petitioner : Mr.K.Samidurai

For Respondents : Mr.C.Saravanan

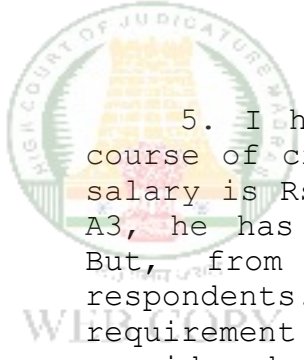
O R D E R

The petitioner herein is the husband of the first respondent and the father of the second respondent herein. Seeking maintenance under Section 125 of the Code of Criminal Procedure, the respondents filed M.C.No.8 of 2013, on the file of the learned District Munsif cum Judicial Magistrate, Peraiyur. By order dated 05.11.2014, the Trial Court directed the petitioner to pay a sum of Rs.2,000/- each per month to the respondents herein towards maintenance. Challenging the same, the petitioner is now before this Court with this Criminal Revision Case.

2. I have heard the learned counsel appearing for the petitioner, the learned counsel appearing for the respondents and perused the records carefully.

3. Insofar as the liability of the petitioner, the learned counsel appearing for the petitioner has not disputed the same. He only disputes before this Court the quantum of maintenance ordered by the Lower Court. According to him, he has already purchased properties in the names of the respondents and therefore, directing the petitioner to pay, again, a sum of Rs.4,000/- to the respondents is exorbitant.

4. The learned counsel appearing for the respondents would submit that the monthly salary of the petitioner is Rs.34,610/- and therefore, the said amount awarded by the Lower Court cannot be said to be unreasonable



5. I have considered the above submissions. Admittedly, during the course of cross-examination, the petitioner has admitted that his monthly salary is Rs.34,610/-. It may or may not be true that under EX-A2 and EX-A3, he has purchased some properties in the names of the respondents. But, from these properties, there is no income derived by the respondents. At any rate, going by the status of the family, the requirement of the respondents and the salary of the petitioner, in my considered view, the order of the Lower Court, directing the petitioner to pay a sum of Rs.2,000/- each to the respondents is not unreasonable. In such view of the matter, I do not find any merit in the revision.

6. In the result, the Criminal Revision Case is dismissed. It is brought to my notice that a sum of Rs.54,000/- deposited towards arrears of maintenance of the said amount lies in the account of the Trial Court. Therefore, the respondents herein are permitted to withdraw the said amount from the Lower Court, without any reference to this Court. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Per.Admn)

\\True copy\\

Sub Assistant Registrar

To

1.The District Munsif cum Judicial Magistrate, Peraiyur.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc TO MR.K.SAMIDURAI,ADVOCATE SR.NO. 19331

+1cc TO MR.C.SARAVANAN, ADVOCATE SR.NO.19125

ORDER MADE IN
CRL.RC.(MD)No.507 of 2014

NB

NA/23/04/2015/P2/5C