



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.06.2015

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**

CRL.RC. (MD) No. 97 of 2015

D.Manikannan : Petitioner

Vs.

1.Ezhil
2.Minor Harsith : Respondent

PRAYER: Petition is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records and set aside the order dated 25.07.2014 passed in M.C.No.7 of 2012, on the file of the Principal District Munsif cum Judicial Magistrate Court, Karaikudi.

For Petitioner : Mr.K.Rajeswarran

ORDER

The petitioner herein is the husband of the first respondent and the father of the second respondent herein. The respondents filed M.C.No.7 of 2012 before the learned Principal District Munsif cum Judicial Magistrate Court, Karaikudi, under Section 125 of the Code of Criminal Procedure, claiming maintenance at the rate of Rs.10,000/- each. The learned Judicial Magistrate, by order dated 25.07.2014 has directed the petitioner to pay a sum of Rs.5,000/- each to the respondents towards their monthly maintenance. Challenging the same, the petitioner has come up with the present Criminal Revision Case.

2. When the Criminal Revision Case has come up for admission, notice of motion was ordered on 11.03.2015, on the representation made by the learned counsel appearing for the petitioner that conciliatory talks were going on and there was a likelihood of settlement between the parties. But, the respondents have not appeared and there appears to be no conciliation.

3. I have heard the learned counsel appearing for the petitioner and perused the records carefully.

4. The learned counsel appearing for the petitioner would submit that at the time when the impugned order was passed, the petitioner was employed as a Lecturer in a Private Engineering College, whereas, subsequently, he was relieved from the said post



and thus, he does not have any income to pay maintenance, as ordered by the Trial Court.

5. In my considered opinion, if that is the case, the petitioner is to work out his remedy under Section 127 of the Code of Criminal Procedure. As on the date of the impugned order, the petitioner was employed as Lecturer and earning a sum of Rs.60,000/- towards monthly salary. Therefore, a sum of Rs.5,000/- each, as ordered by the Trial Court, cannot be stated to be excessive or unreasonable.

6. Having regard to the totality of the circumstances, going by the status of the family, income of the petitioner, cost of living etc., I am of the considered view that the Lower Court was right in ordering a sum of Rs.5,000/- each towards the maintenance of the respondents.

7. In view of the above, I do not find any merit in the Criminal Revision Case and the same is dismissed.

Sd/-

Assistant Registrar(T & P)

/True copy/

Sub Assistant Registrar

To

1.The Principal District Munsif
cum Judicial Magistrate Court, Karaikudi.

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

+1cc to Mr.K.Rajeshwaran, Advocate Sr NO. 27467

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AA/15.06.2015/2p- 4c/

**ORDER MADE IN
CRL.RC.(MD)No.97 of 2015
DATED - 03.06.2015**