

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1353 OF 2015

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ORDER:

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This Criminal Revision Case is filed by the petitioner-husband challenging the order of Judicial Magistrate of First Class at Kothavalasa, Vizianagaram District dated 30.6.2015 in CrI.M.P.No.470 of 2015 in M.C.No.13 of 2008, whereby the learned Magistrate issued NBWs against the petitioner for non-payment of arrears to a tune of Rs.1,48,600/-.

Heard and perused the material available on record.

First respondent is the wife and second respondent is the minor son of the petitioner herein. M.C.No.13 of 2008 filed by the respondents 1 and 2 was allowed by order dated 9.1.2015 directing the petitioner herein to pay maintenance amount of Rs.1,000/- each per month to the respondents 1 and 2 herein from the date of filing of the petition with a further direction to pay the arrears of maintenance within two months from the date of the said order. Since the petitioner herein failed to pay the said arrears amount, the respondents 1 and 2 herein filed CrI.M.P.No.1353 of 2015. Even in the said application, since the petitioner did not choose to pay the arrears of maintenance, the trial court issued warrants against him by the impugned order. Hence, the revision.

The learned counsel for the petitioner submitted that the petitioner is not in a position to pay such huge amount at one instance and prayed for some instalments.

In the circumstances of the case, the petitioner is directed to pay Rs.48,600/- to the respondents 1 and 2 towards part

payment of arrears of maintenance on or before 15th August, 2015 and on such payment, the trial Court is directed to recall the warrant. Till such time, the impugned order is suspended. The remaining amount of Rs.1.00 lakh shall be paid on or before 30th November, 2015. Further the petitioner is directed to continue to pay the maintenance to the respondents 1 and 2 at the rate as fixed by the trial Court, on or before 10th of every succeeding month commencing from August, 2015. If there is any failure on the part of the petitioner herein, the trial Court is at liberty to proceed against the petitioner in accordance with law.

With the above directions, the revision is disposed of.

Consequent thereto, the Miscellaneous Petitions, if any, shall stand closed.

JUSTICE RAJA ELANGO

16.07.2015

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