

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

Crl.R.C.No.305 of 2015

ORDER :

Heard the counsel for petitioner.

2. This Revision is filed under Sections 397 and 401 of Cr.P.C. challenging the order dt.30.01.2015 in MC.No.2 of 2014 on the file of the Judge, Family Court-cum-Additional District and Sessions Judge, Nalgonda wherein the said Court had directed the petitioner herein to pay a sum of Rs.6,000/- to his son, the 1st respondent, towards maintenance under Section 125 Cr.P.C.

3. The counsel for petitioner contends that petitioner had pronounced *talak* against the mother of 1st respondent on 10.10.2010; although in the application filed under Section 125 Cr.P.C., the mother of 1st respondent had demanded a sum of Rs.10,000/- as maintenance for 1st respondent, the petitioner had intended to give only Rs.2,000/- p.m. for the maintenance, food and accommodation of the child; that additionally, he would provide clothes for the child and other health expenses, or any other expenses for the education of the child; and that the court below ought not to have granted Rs.6,000/- per month to 1st respondent, since the said amount would be misused by the mother of 1st

respondent.

4. It is not disputed by counsel for petitioner that petitioner is working as a Software Engineer and drawing Rs.50,000/- per month. It is also not disputed that 1st respondent is the son of petitioner. The question whether the mother of 1st respondent continues to be wife of petitioner is not really relevant as the said fact is disputed by the mother of 1st respondent. Admittedly, 1st respondent is staying with his mother. Considering the income of petitioner, I am of the opinion, that the Court below had rightly taken into account all the circumstances of the case and awarded Rs.6,000/- per month to 1st respondent.

5. I see no error of jurisdiction in the said order warranting interference by this Court in exercise of its power under Sections 397 and 401 of Cr.P.C. Therefore, this Revision fails and is accordingly dismissed.

6. Miscellaneous applications, pending if any in this Revision, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 27-02-2015

Ndr/*