

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.613 of 2015

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ORDER :

This Criminal Revision Case is filed under Sections 397 and 401 of the Code of Criminal Procedure (Cr.P.C.), aggrieved by the order dated 08.11.2013, passed in CrI.M.P.No.1724 of 2013 in M.C.No.14 of 2013 wherein the learned Judicial Magistrate of First Class has allowed the application and awarded maintenance at the rate of Rs.2,000/- per month to the first and second respondents herein without giving an opportunity to the petitioner herein to file his counter.

Heard learned counsel for the petitioner and the respondent and learned Public Prosecutor appearing for the respondent-State.

A perusal of the averments in the report would show that the respondents herein filed CrI.M.P.No.1724 of 2013 under Section 125 (2) of Cr.P.C. in M.C.No.14 of 2013 claiming maintenance at the rate of Rs.4,000/- to the first respondent and Rs.2,500/- to the second respondent, who is a minor child aged about 15 months. It appears that the said M.P. was allowed without giving an opportunity to the petitioner herein to file his counter. The order reads as under:

“Both parties present on coming to know the facts stated by the petitioner, the respondent is directed to pay a monthly maintenance of Rs.2,000/- per month to the petitioner on 10th of every month without fail.”

Having regard to the said circumstances, the order under challenge is set aside and the petitioner shall be given an opportunity to file counter and reply, if necessary, by the respondents herein and the application for interim maintenance shall be decided on merits. Till then, the petitioner shall pay maintenance at the rate of Rs.1,500/- per month to the first and second respondents on or before tenth of every month without fail. Arrears, if any shall also be paid by the petitioner within a period of eight weeks from the date of receipt of the order.

With the above modification, the revision is disposed of.

As a sequel, Miscellaneous Petitions, if any, pending in this revision shall stand closed.

JUSTICE C. PRAVEEN KUMAR

21.04.2015.

vhb