

In the High Court of Punjab and Haryana at Chandigarh

CRM M-6516 of 2015

Date of Decision: March 02, 2015

Sumit Kumar

... Petitioner

Versus

Jinka and another

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. R.S. Mamli, Advocate,
for the petitioner.

Paramjeet Singh, J.(Oral)

Instant petition has been filed under Section 482 of the Code of Criminal Procedure for setting aside order dated 30.05.2014 (Annexure P/1) passed by learned Additional Chief Judicial Magistrate, Fatehabad and judgment dated 14.11.2014 (Annexure P/2) passed by learned Additional Sessions Judge, Fatehabad.

Brief facts of the case are that respondents filed an application under Section 125 Cr.P.C. for maintenance. Vide order dated 30.05.2014 (Annexure P/1), the trial Court directed the petitioner to pay Rs. 7,000/- per month to the respondents. Against that order, petitioner preferred a revision, which has been dismissed vide order dated 14.11.2014 (Annexure P/3) by the learned Additional Sessions Judge-I, Fatehabad.

Hence, the present petition.

I have heard learned counsel for the petitioner and perused the record.

The Trial Court, after considering the evidence on record prima facie came to the conclusion that petitioner is having agricultural income of approximately Rs.9,000/-. Besides this, he is having some other source of income. It is alleged that annual income of the petitioner is more than Rs. 5 lacs. Meaning thereby, the petitioner is earning approximately Rs.40,000/- per month. The trial Court has granted interim maintenance at the rate of Rs.7,000/- per month. Said order has been affirmed by the learned Additional Sessions Judge vide order dated 14.11.2014.

This Court cannot re-appreciate the evidence which has been prima facie considered by the Courts below. Any amount which is awarded as interim maintenance can be adjusted at the time of final disposal.

In view of this, instant petition is dismissed.

March 02, 2015
vkd

[Paramjeet Singh]
Judge