

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2016

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

CRL.R.C.No.1005 of 2011

Murugan

... Petitioner/Respondent

Vs.

1. Malar

2. Master Vignesh Sarma, Minor,
S/o. Murugan.

... Respondents/Petitioners

Criminal Revision Case filed under Sections 397 r/w. 401 of the Code of Criminal Procedure Code against the judgment in M.C.No.13 of 2004 dated 01.03.2006 on the file of Judicial Magistrate, Tambaram and to set aside the same.

For Petitioner : Mr. T.Muruganantham

O R D E R

This Criminal revision has been filed challenging the order passed by the learned Judicial Magistrate, Tambaram, granting maintenance of Rs.1500/- to the respondents 1 and 2 each.

2. According to the petitioner, marriage took place between the petitioner and the first respondent on 07.12.2000 and the second respondent was born to them out of their wedlock on 14.08.2001. From the year 2003, the petitioner and the respondents are living separately. Therefore, the petitioner got a second marriage. Subsequently, the first respondent filed a private complaint under Section 494 IPC and the same is pending. Since the petitioner voluntarily deserted the first respondent and got second marriage, the respondents 1 and 2 filed a petition under Section 125 of Cr.P.C. seeking maintenance.

3. According to the petitioner, the petitioner is working as a driver in the Tambaram Municipality and the learned Judicial Magistrate, after elaborately considering the case, directed the petitioner herein to pay the maintenance of

Rs.1500/- each to the respondents from the date of filing of the petitioner.

4. Challenging the same, the present revision has been filed.

5. Even though notice was sent to the respondents 1 and 2 , so far notice has not been served. Admittedly, the first respondent is the wife of the petitioner herein and the second respondent is the son. On perusal of the record, it is seen that from the year 2003, the petitioner deserted the respondents and living separately. He is also working as a driver in the Tambaram Municipality and hence sufficient means to pay the maintenance. Now as per the evidence of the petitioner/respondent, they are living without any means and struggling to meet their needs.

6. In the above circumstances, the petitioner is an employee in the Tambaram Municipality and getting a monthly salary more than Rs.8000/-, he is bound to maintain the respondents herein, who are his wife and son.

7. In the above circumstances, I find no legality or irregularity in the revision. Accordingly, the revision is dismissed. The petitioner is directed to deposit the entire arrears of maintenance within a period of 12 weeks from the date of receipt of a copy of this order.

s/d-
Assistant Registrar (CS II)

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Sub-Assistant Registrar

To

1. Judicial magistrate,
Tambaram
2. The Chief Judicial Magistrate, Chengalpat
3. The Public Prosecutor,
High Court, Madras

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