

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.12207 of 2016

ORDER:

This petition under Section 482 Cr.P.C. is filed by the petitioner seeking to modify the order dated 09.06.2016 passed in Criminal Revision Petition No.11 of 2016 on the file of I Additional Sessions Judge, Ongole, confirming the order dated 20.01.2016 passed in M.C.No.2 of 2015 on the file of the Special Judicial Magistrate of First Class, Excise Court, Ongole.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor representing the State.

3. The respondent/wife filed M.C.No.2 of 2015 before the Special Judicial Magistrate of First Class, Excise Court, Ongole, and the learned Magistrate granted Rs.1,500/- per month as maintenance.

4. The contention of the petitioner is that he has no independent income and he himself is dependent upon the children born to him through the second wife. He further states that an agreement was executed on 20.12.1984 itself and according to it, the petitioner paid a sum of Rs.10,000/- towards permanent alimony and the same was received by the respondent and he also delivered a vacant house site to her for the purpose of living.

5. Grant of maintenance to the wife is mandatory to live separately and the same is not negligent and at the same time to meet her day to day needs and expenses. An amount of Rs.1,500/- per month as maintenance cannot be in any way said to be excessive. Hence, both the Courts below have rightly considered all the aspects in proper perspective and granted Rs.1,500/- per month and the same does not require any interference.

6. The Criminal Petition is accordingly dismissed.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

Date:23.08.2016
KH

M.S.K.JAISWAL,J