

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.458 of 2017

ORDER :

Heard learned counsel for the petitioner and perused the record.

2. Learned counsel for the petitioner would submit that the petitioner is working as Office Subordinate and his salary is only Rs.6,000/-. The learned Magistrate has granted an amount of Rs.4,000/- to respondent Nos.2 and 3 herein towards their monthly maintenance as interim arrangement during pendency of M.C.No.7 of 2014. The amount awarded is exorbitant. The petitioner has no sufficient means to pay that amount. The learned Magistrate has not taken relevant fact into consideration while granting interim maintenance.

3. The point for determination is:

Whether the grant of Rs.2,000/- each to respondent Nos.2 and 3 as interim maintenance is sustainable?

POINT:

4. Admittedly, the petitioner is a hale and healthy person, aged about 31 years, and working as an Office Subordinate in Toyota Showroom. It is not appropriate to believe that he is drawing only Rs.6,000/- per month. The submission of learned counsel for the petitioner is that the petitioner studied intermediate. It is his bounden duty to maintain his wife and child, who are unable to maintain themselves. Nowadays, the cost of living is very high. Therefore,

granting an amount of Rs.2,000/- each to respondent Nos.2 and 3 is quite reasonable. There are no circumstances to warrant interference. Therefore, the petition is devoid of merits.

5. Accordingly, the criminal petition is dismissed.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

27th October 2017.

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