

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.250 of 2017

ORDER :

Impugning the order of maintenance in M.C.No.3 of 2015 on the file of the Judicial Magistrate of First Class, Kotabommali, dated 16.12.2016, on behalf of two minor children filed by the wife against the father of the children, with a claim at Rs.8,000/- p.m., since awarded of Rs.5,000/- p.m., the revision is filed by the husband, questioning the same saying from the evidence on record, particularly, discussed that of PW.1-wife on behalf of minor children of she is getting about Rs.30,000/- to Rs.35,000/- p.m. equally being Second Grade Teacher at par with him, thereby, equally liable and the lower Court failed to consider the same and the said quantum is excessive, thereby, to be reduced.

Learned counsel for the revision petitioner/husband reiterated the same in support of the grounds of revision. Whereas, the learned counsel for respondents 1 to 3 supported the impugned order.

Heard and perused the material on record.

Even under Section 125 Cr.P.C., it is the duty of the father to maintain the children from the use of the word 'he', a perusal of Section 2(y) Cr.P.C., the words and expressions used herein and not defined but defined in Indian Penal Code (for short

'I.P.C.') have the meanings respectively assigned to them in that Code, in the I.P.C. as per Section 6(8) in the gender, the pronoun 'he' and its derivatives are used of any person, whether male or female. Thus, 'he' includes 'she'. Undisputedly, the mother, even from that interpretation is taking care of the children in her custody in claiming the maintenance from the father of the children, then it is to be considered from the responsibility of her also, whether Rs.5,000/-p.m. awarded of Rs.10,000/- p.m. to the two children, out of his total monthly earnings of Rs.30,000/- p.m. from the evidence on record is excessive and requires to be reduced or not. When she is equally earning and also responsible to take care of the children including monitory, on monitory aspects, it is just to reduce from Rs.5,000/- p.m. to Rs.4,000/- p.m. In other respects, the impugned order no way requires interference. Any future change is left open.

Accordingly, the Criminal Revision Case is disposed of.

Miscellaneous petitions, pending if any, shall stand closed.

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Dr. B. SIVA SANKARA RAO, J

Date:06-04-2017

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