

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.2810 OF 2017

ORDER:

The present Criminal Revision Case, under Sections 397 and 401 Cr.P.C, is filed by the revision petitioner – respondent assailing the order, dated 28.08.2017, passed in M.C.No.57 of 2014 on the file of learned V Additional Judicial Magistrate of First Class, Kakinada, whereby and whereunder, the revision petitioner was directed to pay Rs.10,000/- per month towards maintenance to respondent No.1.

2. The present revision case is disposed of at the admission stage itself, as it is felt that no notice is required to be issued to respondent No.1 under the guardianship of his mother, who is petitioner No.1 in the M.C.

3. Heard Sri T. Anirudh Reddy, learned counsel, representing Sri T. Pradyumna Kumar Reddy, learned counsel for the revision petitioner.

4. Here is the case where the revision petitioner disowned the paternity of respondent No.1, who is petitioner No.2 in the aforesaid M.C., to whom an amount of Rs.10,000/- per month was awarded towards maintenance, while declining to grant any maintenance to petitioner No.1 in the M.C. on the ground that she is not the legally wedded wife of the revision petitioner.

5. Learned counsel for the revision petitioner would submit that the Court below went wrong in holding that respondent No.1 was the child of the revision petitioner and even the amount of Rs.10,000/- awarded by the learned Magistrate towards monthly maintenance of respondent No.1, without probing into the sources of income and the earnings of the revision petitioner, is totally on higher side. He would refer to paragraph Nos.27 and 28 of the order under challenge, where the learned Magistrate dealt with point Nos.4 and 5, respectively, in relation to the means of the revision petitioner as well as entitlement of respondent No.1 to seek maintenance.

6. When looked at how the revision petitioner came into acquaintance and maintained contacts with the mother of respondent No.1, who is petitioner No.1 in the M.C., it shows that the mother of respondent No.1 lost her husband in the year 2007, through whom a female child was born. On 14.02.2012, when she was walking at Vivekananda Park, the revision petitioner approached her introducing himself as a business man and giving some account that he was knowing her late husband and his demise and, thus, gained acquaintance with her and then it appears, it turned to be a love affair. This is how things have gone giving rise to the birth of respondent No.1. When things were strained between the revision petitioner and petitioner No.1 in the M.C., it resulted in filing the M.C. seeking maintenance. The revision petitioner instead of atleast conceding grant of maintenance to the child, disputed the paternity, besides

disputing any relationship with petitioner No.1 in the M.C. The very fact that even the D.N.A. test was resorted to is sufficient to understand the plight the mother, petitioner No.1 in the M.C., being subjected to. In such an event, there is every reason for the revision petitioner to screen his income and the earnings, and fortunately he admitted owning a house, from which he derives rent of Rs.10,000/- per month. Admittedly, he was an engineering graduate and that has been the finding recorded by the Court below holding that he is able bodied and has got stamina to do any job relating to the course he pursued. In such an event, granting Rs.10,000/- per month towards maintenance of the child i.e., respondent No.1 herein, when, kept in view, the present day living cost, cannot be viewed as excessive or exorbitant. Hence, there is no merit in the present revision case.

7. Accordingly, the Criminal Revision Case is dismissed at the admission stage. Miscellaneous Petitions, if any, pending in this Criminal Revision Case shall stand closed.

A. SHANKAR NARAYANA, J

November 09, 2017.
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