



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.R.C.(MD) No.26 of 2018

and

Crl.M.P.(MD) No.256 of 2018

Rathinajothi

... Revision Petitioner / Respondent

vs.

1.Rajeswari

2.Anbuselvan

... Respondents / Respondents

(R2 rep.by his mother and
natural guardian R1)

PRAYER: Criminal revision filed, under Sections 397(3) and 401 Cr.P.C., to set aside the order, dated 23.09.2016, passed in M.C.No.25 of 2015, on the file of the Chief Judicial Magistrate, Ramanathapuram.

For Petitioner : Mr.N.Ranjith

For Respondents : No appearance

O R D E R

Rajeswari initiated proceedings in M.C.No.25 of 2015, under Section 125 Cr.P.C., against her husband - Rathinajothi, claiming maintenance for herself and their mentally challenged child - Anbuselvan. On notice, Rathinajothi entered appearance and contended that he was already married to one Saradha and through Saradha, he has two children. However, he did not deny the paternity of Anbuselvan. On behalf of Rajeswari, she examined herself as P.W.1 and also examined one Janaki as P.W.2. Seven exhibits were marked on behalf of Rajeswari. On the side of Rathinajothi, he examined himself as D.W.1 and examined one Andi as D.W.2. Six exhibits were marked on the side of Rathinajothi.

2. After considering the evidence on record and the financial status of Rathinajothi, the Trial Court, by order dated 23.09.2016, directed Rathinajothi to pay monthly maintenance of Rs.3,000/- each to Rajeswari and Anbuselvan. Challenging the



same, Rathinajothi has filed the present revision with a delay of 223 days.

3. This Court condoned the delay by order dated 10.01.2018 in CrI.M.P.(MD) No.11163 of 2017 in CrI.R.C.(MD) No.SR22510 of 2017 and took up the main revision itself for final disposal.

4. Learned counsel for Rathinajothi submitted that Rathinajothi is a retired Block Development Officer and he is drawing pension of Rs.13,463/- and with which, he cannot maintain two families.

5. In the considered opinion of this Court, two families, which have been acquired by Rathinajothi is his own making. He must have thought of all these aspects before contracting two marriages with two different women and begetting children through them. The fact remains that Anbuselvan is mentally challenged and he is being taken care of by Rajeswari. The amount of expenses, which Rajeswari will have to incur for maintaining the mentally challenged child, cannot be easily estimated. Taking into consideration the cost of living prevailing today, the maintenance amount of Rs.3,000/- each per month cannot be said to be excessive. It is for Rathinajothi to make some arrangements or other to ensure that the paltry amount of maintenance is paid to Rajeswari and Anbuselvan. Under such circumstances, this Court does not find any serious infirmity or illegality in the orders passed by the Courts below warranting interference.

6. In the result, the criminal revision is devoid of merits and it is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To:

The Chief Judicial Magistrate,
Ramanathapuram.

+1cc to Mr.R.SARAVANAN, Advocate, SR.41668

CrI.R.C.(MD) No.26 of 2018
and

CrI.M.P.(MD) No.256 of 2018
10.01.2018