



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:31.10.2018

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

WEB COPY

Crl.Rc.(MD).No.516 of 2018
and
Crl.M.P.(MD).No.7108 of 2018

R.Joseph Sahayaraj ...Petitioner/ Respondent
-Vs-

1.J.Selvakumari
2.Minor.J.Josephine Mary
(Second respondent is represented
by her mother and guardian 1st
respondent herein) ...Respondents / Petitioners

Prayer:- Criminal Revision Petition filed under Section 397 r/w. 401 of Cr.P.C to call for the records of the learned Chief Judicial Magistrate, Tiruchirappalli in M.C.No.24 of 2017 and set aside the order dated 17.07.2018.

For Petitioner : Mr.M.Karunanithi
For Respondents : Mr.P.Dhanasekaran

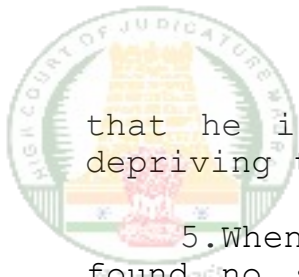
ORDER

Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

2.The learned Judicial Magistrate, Trichirappalli had awarded maintenance of Rs.3,000/- to the first petitioner and Rs.5,000/- to the second petitioner in M.C.No.24 of 2017. Aggrieved by that the present revision petition has been filed. The revision petitioner has claimed that he is not having sufficient income to pay the maintenance and further the petitioner's wife is deserted on her own. Therefore, Section 125 Cr.P.C. is not applicable.

3.Perusal of the records indicates that the revision petitioner herein is the respondent in M.C.No.24 of 2017. He has agricultural land in his own and he is earning income through the land.

4.The specific case of the respondents is that the revision petitioner owned 8 acres of land, which yields 200 bags of paddy. There is also a building and other properties, by which he is earning monthly income of Rs.50,000/-. Though there is so much evidence to substantiate that the revision petitioner derives income of Rs.50,000/- per month through agricultural land and other properties, equally, there is no evidence to show that he is not capable of paying a sum of Rs.8,000/- as maintenance to his wife and child. The specific allegation against this revision petitioner is



that he is having a extra marital affair with another girl and depriving the basic needs of the respondents herein.

5. When the revision petition came up for admission, this Court found no sufficient material to interfere in the finding of the trial Court, however to afford an opportunity to the revision petitioner to settle the dispute amicably directed the revision petitioner to deposit a sum of Rs.1,00,000/- towards the arrears of maintenance. Though the learned counsel appearing for the petitioner took two adjournments and also had got extension of time, it is informed today that not even a single pie has been deposited. The revision petitioner did not show any sign of bona fide that he will pay some money to the respondents and thereby prevent their starvation.

6. Considering the status of the revision petitioner, the said sum is not excessive as contended by the revision petitioner. In this regard a perusal of the record indicates that desertion of the respondent herein is due to the illicit extra marital affair of the revision petitioner. Therefore, this Court finds no merit in this Revision Petition. This Revision Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar (CS-III)

To

The Chief Judicial Magistrate,
Tiruchirappalli.

+1CC to Mr.P.Dhanasekaran, Advocate, SR.No.93471

Cr1.RC. (MD).No.516 of 2018
31.10.2018

TSG
ES/PM/SAR 3/11.12.2018/2P/3C