

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.2250 OF 2018

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash the order dated 27.11.2017 in Criminal Revision Petition No.3 of 2017 on the file of the Principal District and Sessions Judge, Srikakulam whereby the learned Sessions Judge dismissed the revision filed by the petitioner confirming the order dated 05.12.2016 in M.C. No.23 of 2013 on the file of the Additional Judicial Magistrate of First Class, Srikakulam.

2. Heard the learned counsel for the petitioner and perused the record.

3. Learned counsel for the petitioner would submit that the petitioner is a graduate and unemployed and has no means to pay the maintenance ordered by the courts below; that respondent no.1-wife is also graduate and has means to maintain herself, and ultimately, prayed to quash the impugned order.

4. Respondent No.1 is wife, and respondent No.2 is son, of the petitioner. The learned Magistrate vide order dated 05.12.2016 granted maintenance @ Rs.3,000/- per month to respondent No.1-wife and @ Rs.2,000/- per month to respondent No.2-son, and the same was confirmed by the learned Sessions Judge. It is the duty of the petitioner to maintain his wife and son. Both the courts below recorded a concurrent finding that the petitioner has sufficient means to maintain his wife and son, and the same requires no interference by this court. Both the respondents require money to meet day to day expenses. Further, respondent

No.2 requires money to meet his educational expenses. Therefore, granting of maintenance @ Rs.5,000/- per month to both wife and son is quite reasonable and moderate, and cannot be said to be on higher side. Therefore, there are no grounds to interfere with the impugned order.

5. The Criminal Petition is, accordingly, dismissed.

Miscellaneous Petitions pending, if any, in the Criminal Petition shall stand closed.

DR.SHAMEEM AKTHER, J

23.2.2018

DRK



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