

HONOURABLE SRI JUSTICE G.SHYAM PRASAD

CRIMINAL PETITION No.2005 OF 2018

ORDER:

This Criminal Revision Case is arising out of the order dated 21.05.2018 passed in M.C.No.12 of 2015 on the file of the Judicial Magistrate of First Class, Bantumilli.

Respondents 2 and 3 herein filed M.C.No.12 of 2015 against the petitioner on the file of the Judicial Magistrate of First Class, Bantumilli under Section 125 Cr.P.C. claiming maintenance of Rs.5,000/- per month each to respondents 2 and 3. The trial Court, on consideration of the evidence of PW.1 and RW.1, has granted maintenance of Rs.3,000/- per month to 2nd respondent and Rs.1,000/- per month to the 3rd respondent from the date of petition. Aggrieved by the impugned order, the revision petitioner filed Criminal Revision Case for reducing the quantum of compensation awarded by the trial Court.

Heard the learned counsel appearing for petitioner and Sri G.Narasimha Rao, the learned counsel appearing for respondents 2 and 3.

Learned counsel for petitioner submits that the petitioner has lost his employment as he was removed from service on 31.05.2018. In support of his contention, he placed reliance on Form-Q, which reads as follows :-

Under Section 25-FFA of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), I/we hereby inform you that I/we have decided to close LINERS INDIA LIMITED (name of the undertaking) with effect from 31.05.2018 for reason explained in Annexure. The number of workmen whose services would be

terminated on account of closure of the undertaking is
289 workers (number of workmen).

The petitioner also placed reliance on the Statement of
Reasons.

Form-Q does not show that the petitioner was removed from
service and he is one of the members out of 289 workers. The name
of the petitioner does not find place in any of these documents.

Learned counsel for respondents 2 and 3 submits that the
name of the petitioner does not find place in the aforesaid two
documents.

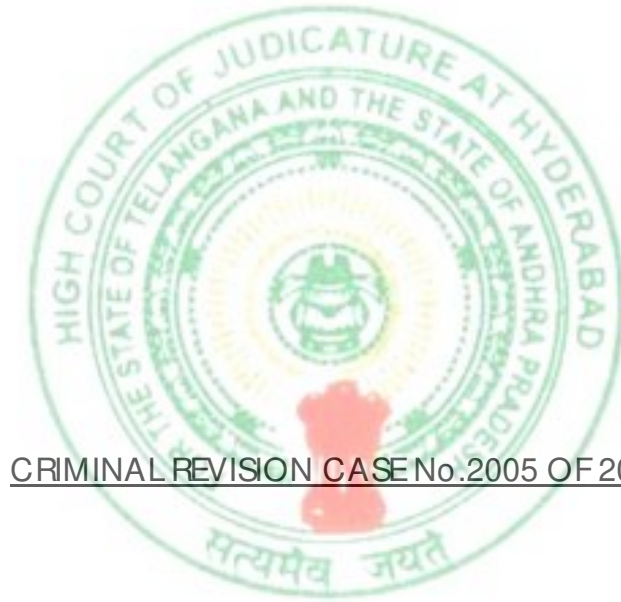
The contention of the learned counsel for petitioner that the
petitioner is unable to pay maintenance as his services were
terminated, even if it is true, cannot be accepted as it is the duty of
the husband to pay maintenance to wife and children in view of
proviso under Section 125 Cr.P.C. The court below awarded
maintenance of Rs.3,000/- per month to the 2nd respondent and
Rs.1,000/- per month to the 3rd respondent. The amount granted by
the trial Court is very nominal and the petitioner cannot challenge
the order passed by the trial Court by way of revision. There are no
grounds to interfere with the order passed by the trial Court.

Hence, the Criminal Revision Case is dismissed. As a sequel,
miscellaneous petitions, if any pending, shall stand closed.

JUSTICE G. SHYAM PRASAD

Dated: 05-12-2018
Prv

HONOURABLE SRI JUSTICE G.SHYAM PRASAD



CRIMINAL REVISION CASE No.2005 OF 2018

Dated 05-12-2018

Prv