

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P No.19238 of 2018
and CrI.M.P No.10132 & 10133 of 2018

K.Manokaran

... Petitioner/Petitioner/
Respondent

vs.

1. R.Bhuvaneswari
2. Minor Varshitha

... Respondents/Respondents/
Petitioners

Minor 2nd respondent represented by its
next friend/mother R.Bhuvaneswari

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the judgment dated 12.07.2018 made in C.R.P.No.20 of 2017 on the filed of the Principal Sessions Judge, Namakkal confirming the judgment dated 01.09.2017 made in M.C.No.10 of 2016 on the file of the Chief Judicial Magistrate, Namakkal.

For Petitioner : Mr.W.C.Camyles Gandhi
For Respondents : Mr.S.Kannathasan

O R D E R

This petition has been filed challenging the order passed in C.R.P.No.20 of 2017 wherein the revision Court has confirmed the order passed by the learned Chief Judicial Magistrate, Namakkal directing the petitioner to pay a monthly maintenance of a sum of Rs.25,000/- i.e., Rs.10,000/- to the 1st respondent and Rs.15,000/- to the 2nd respondent.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondent police.

3. The learned counsel for the petitioner fairly submitted that insofar as the 2nd respondent child is concerned, the

petitioner is willing to pay a maintenance amount of Rs.15,000/- per month. The learned counsel for the petitioner confined his submissions only insofar as the 1st respondent is concerned and submitted that the 1st respondent lived with the petitioner only for five months and thereafter, she has deserted. The petitioner has not even been given the custody of the child.

4. The learned counsel appearing on behalf of the respondent submitted that the Court below had given sufficient reasons for fixing the maintenance amount at a sum of Rs.25,000/- and there are no absolutely no grounds to interfere with the same.

5. This Court while exercising its jurisdiction and powers under Section 482 Cr.P.C., cannot treat the petition like a second revision which is a bar under Section 397(3) of Cr.P.C., This Court has to necessary balance the rights to ensure that the parties do not prolong their fight for long years on the issue of maintenance. What is important is that the order should satisfy the test of interest of justice.

6. Taking into consideration the facts and circumstances of the case, this Court deems it fit to fix the total amount of maintenance at Rs.20,000/- per month i.e., Rs.15,000/- to the 2nd respondent, Rs.5,000/- to the 1st respondent.

7. The arrears of maintenance shall be paid at the rate of Rs.20,000/- as per the orders passed in M.C.No.10 of 2016, within a period of six weeks from the date of receipt of copy of this order after deducting the payments already made by the petitioner. The petitioner shall pay the monthly maintenance of Rs.20,000/- directly to the 1st respondent from July 2019 on or before 5th of every month.

8. This Criminal Original Petition is disposed of by modifying the order passed by the Court below to the extent indicated above. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Principal Sessions Judge, Namakkal.
2. The Chief Judicial Magistrate, Namakkal
3. The Public Prosecutor,
High Court of Madras,
Madras.

+lcc to M/S.Manjula, Advocate, S.R.No.51051

Crl.O.P No.19238 of 2018
and Crl.M.P No.10132 & 10133 of 2018

PVS (CO)
CS/26/06/2019



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