



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date of Reserving Order
15.07.2021

Date of Pronouncing Order
23.07.2021

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THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

CrI.R.C.No.335 of 2018
and
CrI.M.P.No.4106 of 2018

Anand

... Petitioner

Vs.

Vidyadevi

... Respondent

PRAYER : Petition filed under Section 397 read with 401 of the Criminal Procedure Code, to call for the records relating to the order dated 05.02.2018 passed in M.C.No.36 of 2017 by the learned Judicial Magistrate No.1, Attur and set aside the same.

For Petitioner : Ms.G.S. Dhanalakshmi

For Respondent : Mr.W.M. Abdul Majeed

O R D E R

The matter is heard through "Video Conference".

2. The criminal revision case is filed to set aside the order passed by the learned Judicial Magistrate No.1, Attur in M.C.No.36 of 2017 dated 05.02.2018.

3. The husband is the revision petitioner. The marriage between petitioner/husband and respondent/wife was solemnized on 25.02.2010 at Trichy. Due to their wedlock, a female child was born to them on 10.07.2011. Thereafter, it is alleged that the respondent/wife was undergoing treatment at Bangalore for mental illness and thereafter, she said to have left the matrimonial home and filed M.C.No.36/2017 under Section 125 of Cr.P.C., claiming maintenance and the husband has filed counter statement stating that he is bringing out the child with necessary education and maintaining her properly.



4. On payment of quantum of maintenance to the wife, it is alleged by the husband that the mental depression was even before the marriage and the her parents suppressed the material fact that she is suffering from mental illness by committing fraud and the respondent wife left the matrimonial home on her own and hence she is not entitled for any maintenance.

5. On behalf of the respondent/wife P.W.1 was examined and exhibits P1 to P4 were marked. On behalf of the respondent/husband R.W.1 was examined and exhibits R1 to R3 were marked and oral evidence was also adduced. The learned Magistrate has directed to pay Rs.3,000/- per month to the petitioner/wife as maintenance. Challenging the same, husband has filed this revision.

6. The learned counsel for the petitioner reiterated the very same stand taken by the trial Court.

7. The learned counsel for the respondent/wife would contend that the revision petitioner/husband is liable to pay maintenance.

8. Heard both side and perused the records.

9. As per Ex.R1/medical certificate, it appears that the respondent/wife is suffering for depression after the child birth. As per Ex.R2/salary certificate, the husband is working as sales manager in Kalyani covering, Trichy and earning Rs.9,000/- per month and hence I, find that in order to lead a decent life, necessary maintenance has to be given to the wife. Hence, Rs.3,000/- awarded by the trial Court cannot be treated as excessive.

10. This Court finds no merits in this petition. Accordingly, this criminal revision case stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar



AT

To

WEB COPY

1.The Judicial Magistrate No.1,
Attur.

2.The Chief Judicial Magistrate,
Salem.

Copy to

The Section Officer,
Criminal Section,
High Court, Madras.

+lcc to Ms.G.S.Dhanalakshmi, Advocate Sr.35410
+lcc to Mr.W.M.Abdul Majeed, Advocate Sr.35455

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ajs[col]
srg 18/08/2021