



Crl.R.C.No.765 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

CORAM

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

Crl.R.C.No.765 of 2023
and
Crl.M.P.No.9499 of 2023

M.Saravanan

... Petitioner

Versus

1.Mythili
2.Pooja Parthiksha (Minor)
3.Avanitha (Minor)

... Respondents

Prayer : Criminal Revision Case is filed under Section 397 r/w 401 of the Code of Criminal Procedure 1973, to set aside the order dated 07.02.2023 passed in M.C.No.22 of 2020 on the file of the Judicial Magistrate No.II, Thirupattur.

For Petitioner : Ms. A. Chitra

ORDER

The present criminal revision is directed against the order dated 07.02.2023 of the learned Judicial Magistrate No.II, Thirupattur in M.C.No.22 of 2020.



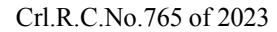
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2. The first respondent herein filed the said M.C.No.22 of 2020 under Section 125 of Cr.P.C., against the present revision petitioner seeking maintenance of Rs.30,000/- per month for herself and her two minor children.

3.The learned Judicial Magistrate No.II, Thirupattur, after analysing the oral and documentary evidence adduced on both sides had concluded, that since the revision petitioner is earning a sum of Rs.28,000/- per month and is bound to maintain his wife and two minor children, he should pay a sum of Rs.4,000/- to the first respondent and Rs.4,500/- each to respondents 2 and 3, in toto Rs.13,000/- towards their maintenance. Aggrieved over the same, the present Criminal Revision Petition is filed before this Court.

4. Heard, Ms. A.Chitra learned Counsel for the revision petitioner and perused the material records of the case.

5. Learned Counsel for the revision petitioner contended that the revision petitioner is having aged mother and he has to maintain her also. It



6. A perusal of the records shows that the revision petitioner had d before the Trial Court that when he was living with the nts, he paid the entire salary to the first respondent, who in turn same to her parents. According to this revision petitioner, the first nt and her parents are earning interest from out of the said amount have financed the same to various persons for exorbitant rate of Therefore, the revision petitioner contended that the first respondent sufficient income to maintain herself and her two minor children he need not maintain them. This contention of the present revision has not been substantiated. It is also seen from the records that the revision petitioner had clearly deposed during the course of cross-



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examination that he is not willing to live with the respondents herein. Thus, the respondents are residing in the house of the parents of the first respondent and they have no income to maintain themselves. In such circumstances, taking note of the employment of the revision petitioner and his earnings, the trial court has rightly directed the revision petitioner to pay a sum of Rs.13,000/- as maintenance.

7. In these circumstances, I do not find any reason to interfere with the order passed by the Trial Court and accordingly, the Criminal Revision Case is dismissed at the admission stage itself. Consequently, the miscellaneous petition is also dismissed. No costs.

07.07.2023

Index: Yes/No
Speaking/Non-Speaking order
Neutral Citation : Yes/No

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R. HEMALATHA, J.

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