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Crl.R.C.No.1190 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.1190 of 2023

and

Crl.M.P.No.9331 of 2023

Mr.Raja

... Petitioner

Versus

1.Mrs.Chithra

2.Minor Jothishwaran

3.Minor Pragadeeshwari

... Respondents

Prayer : Criminal Revision filed under Section 397 r/w 401 of Criminal Procedure Code 1973, to set aside the order dated 28.04.2023 passed in M.C.No.2 of 2021 on the file of the Judicial Magistrate No.I, Ponneri.

For Petitioner : Mr. M.P.Saravanan

ORDER

This Criminal revision is directed against the Judgment in M.C.No.22 of 2021 on the file of the Learned Judicial Magistrate No.I, Ponneri.



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2.The respondents herein filed the above maintenance case seeking maintenance under Section 125 of the Code of Criminal Procedure.

3.The learned Judicial Magistrate, Ponneri after analysing the evidence adduced by the parties directed the revision petitioner to pay a sum of Rs.3,000/- to the first respondent and a sum of Rs.3,500/- each to the second and third respondents towards maintenance.

4.Heard, Mr. M.P.Saravanan, learned Counsel for the petitioner and perused the material records of the case.

5.It is the contention of the learned Counsel for the petitioner that the present revision petitioner is working as a driver and he cannot pay such a huge amount of Rs.10,000/- to the respondent herein. Therefore he prayed for scaling down the maintenance amount awarded by the Trial Court.

6. The Trial Judge after considering the oral evidence adduced on both sides and by a well written order held that the petitioner is bound to pay a sum of Rs.10,000/- to the present respondents.



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7. The contention of the present revision petitioner that the first respondent is living separately without any reason and therefore, he need not pay maintenance to them was not accepted by the Trial Court. Since the present revision petitioner is a driver by profession and also keeping in mind the status of the three respondents who have been deserted by him, he has to pay a sum of Rs.10,000/- to the respondents towards maintenance. Therefore, I do not find any reason to interfere with the order passed by the Trial Court and accordingly, the present revision case is dismissed. Consequently, the connected miscellaneous petition is closed.

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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