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Crl.R.C.No.1915 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM

THE HONOURABLE MR.JUSTICE **SUNDER MOHAN**

Crl.R.C.No.1915 of 2024
and Crl.M.P.No.15639 of 2024

Pradeep

...

Petitioner

Vs.

1.Divya Sreenivasan

2.Darshan P (Minor)

Represented by natural guardian
mother of the 2nd respondent)

...

Respondents

Prayer: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS Act to set aside the order dated 05.02.2024 passed by the Judicial Magistrate – I Judge, Tambaram, Chennai in Crl.M.P No.601 of 2023 in M.C.No.49 of 2022 and allow the revision.

For Petitioner : Mr.C.Prabhakar

ORDER

The revision challenges the order passed in Crl.M.P.No.601 of 2023 pending maintenance case in M.C.No.49 of 2022 directing the



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petitioner to pay Rs.10,000/- per month as maintenance to the second respondent herein.

2. The learned Judge, after considering the petition and counter, directed the petitioner to pay interim maintenance of Rs.10,000/- per month to the second respondent, taking into consideration the fact that the first respondent is earning substantially.

3. The learned counsel appearing for the petitioner would submit that the petitioner had voluntarily offered to pay Rs.7,500/- to the second respondent herein and that the learned Magistrate ought to have directed the petitioner to pay Rs.7,500/- to the second respondent, pending disposal of the maintenance case in M.C.No.49 of 2022.

4. On perusal of the impugned order, this Court finds that though the petitioner offered to pay Rs.7,500/- to the second respondent herein, on the basis of the pleadings and the available evidence on record, the learned Magistrate has directed the petitioner to pay a sum of Rs.10,000/- to the second respondent alone. The order passed by the learned Magistrate does not suffer from any infirmity, especially when it is



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admitted by the petitioner that he is bound to maintain the second respondent herein. Hence, the order of the learned Magistrate dated 05.02.2024 passed in Crl.M.P No.601 of 2023 in M.C.No.49 of 2022 is confirmed.

5. Accordingly, this Criminal Revision Petition is dismissed.

Consequently, connected Miscellaneous Petition is closed.

19.11.2024

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
Speaking order/Non-speaking order
rgr

To

1.The Judicial Magistrate – I,
Tambaram,
Chennai.

2.The Public Prosecutor,
High Court of Madras,
Chennai.



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SUNDER MOHAN, J.

rgr

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