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Crl.RC.No.405 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.405 of 2025 and

Crl.M.P.No.4500 of 2025

G.Ranganathan

... Petitioner

Vs.

1. Sathiya @ Poornima

2. Minor. Prajan

Son of Ranganathan

Rep. by Mother and Natural Guardian

Sathiya @ Poornima (1st Respondent)

... Respondents

Prayer: Criminal Revision Case filed under Section 438 read with 442 of B.N.S.S. to call for the records and set aside the judgment passed in Criminal Appeal No.45 of 2021 dated 30.10.2024 by the learned Additional District Judge, Vellore by upholding the fair order in M.C.No.7 of 2020 dated 29.07.2021 by the learned Judicial Magistrate, Additional Mahila Court, Vellore.

For Petitioner

: Mr.L.K.Manjunath



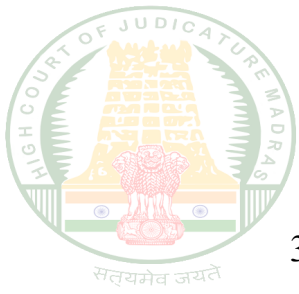
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ORDER

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This Criminal Revision Case has been filed by the petitioner to set aside the judgment passed in Criminal Appeal No.45 of 2021 dated 30.10.2024 by the learned Additional District Judge (FTC), Vellore by upholding the fair order in M.C.No.7 of 2020 dated 29.07.2021 by the learned Judicial Magistrate, Additional Mahila Court, Vellore.

2. The case of the petitioner is that the respondents are the wife and son of the petitioner. The first respondent/wife along with the second respondent/minor son filed a maintenance case in M.C.No.7 of 2020 before the Judicial Magistrate, Additional Mahila Court, Vellore. The learned Magistrate, after enquiry, ordered maintenance of Rs.4,000/- to the first respondent/wife and Rs.2,000/- to the second respondent/minor son. Aggrieved by the same, the petitioner filed an appeal in Criminal Appeal No.45 of 2021 before the Additional District Judge (FTC), Vellore and the same was dismissed by judgment dated 30.10.2024. Challenging the same, the present revision is filed.



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3. Heard the learned counsel for the petitioner and perused the materials

available on record.

4. Since no adverse order is being passed against the respondents, notice to the respondents is dispensed with.

5. According to the petitioner, he has no income and he is not a man of means and that he is unable to even maintain himself and therefore, he cannot pay the maintenance amount to the wife and child as ordered by the Courts below and therefore, the order of maintenance has to be set aside.

6. The marriage between the petitioner and the first respondent is admitted. The relationship between the parties is also admitted. The respondents 1 and 2 are residing away from the petitioner and the same is also admitted. However, the petitioner has not proved that the first respondent is a woman of means and she is able to maintain herself and the minor child/second respondent.

7. Further, the Magistrate has ordered maintenance of only Rs.4,000/- to



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the wife and Rs.2,000/- to the child and considering the cost of living, the

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maintenance awarded by the Magistrate is very meagre and it is not exorbitant.

8. Therefore, this Court does not find any reason to interfere with the order of maintenance passed by the Courts below and there is no legal ground to agitate the same.

9. Therefore, this Criminal Revision Case is **dismissed**. Consequently, the connected Miscellaneous Petition is closed.

10. Further, the petitioner is directed to deposit the arrears of maintenance amount within a period of two months and also continue to pay the maintenance as directed by the Courts below failing which, the Magistrate is directed to issue warrant and execute the warrant since maintenance case is of the year 2020.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

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1. The Additional District Judge (FTC),
Vellore
2. The Judicial Magistrate,
Additional Mahila Court, Vellore.



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P.VELMURUGAN. J.

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