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CRL RC No. 2229 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRL RC No. 2229 of 2024

and

CRL MP No.17466 of 2024

JAMEEL AHAMED

S/o. Mustaq Ahamed

No. 27, Indira Nagar,

Rathinapuri, Coimbatore District.

Petitioner(s)

Vs

1. Sumaiaya Banu

W/o. Jameel Ahamed

2.Minor Heena Sherin

D/o. Jameel Ahamed

(rep By Her Natural Guardial Mother

1st Petitioner)

Both Ate Residing At No. 7/6,

New Extension Street, Annaji Rao

Road, Mettupalayam,

Coimbatore District



Respondent(s)

PRAYER This Criminal Revision Petition is filed under Section 438 read with 442 of BNSS, to call for the records pertaining to the impugned order passed by the learned Judicial Magistrate No.III, Coimbatore in Crl. MP. NO. 8752 OF 2024 dated 10.10.2024 and set aside the same consequently modify the order passed by the Learned Judicial Magistrate No.III, Coimbatore in MC. NO. 2 OF 2016 as Rs. 3000 each instead of Rs. 9000/-.

For Petitioner Mr.R.Prabudoss

For Respondent(s): Not ready in notice

ORDER

This Criminal Revision Petition has been filed to call for the records pertaining to the impugned order dated 10.10.2024 passed in Crl.M.P.No. 8752 of 2024 by the learned Judicial Magistrate No.III, Coimbatore and to set aside the same and consequently to modify the order dated 25.06.2018 passed by the Learned Judicial Magistrate No.III, Coimbatore in MC. No. 2 of 2016 by reducing the maintenance from Rs.9000/- to Rs.3000/- each to both the respondents herein.

2. The respondents herein filed a petition under Section 125 Cr.P.C., in M.C.No.2 of 2016 on the file of the Judicial Magistrate Court No.III,



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Coimbatore, seeking maintenance. The learned Magistrate vide order dated 25.06.2018, directed the petitioner to pay a sum of Rs.9,000/-, as monthly maintenance to each of the respondents.

3. Aggrieved by the same, the petitioner has filed a revision petition in Crl.R.C.No.29 of 2019 before the learned I Additional Principal Sessions Judge, Coimbatore. The learned Sessions Judge vide order dated 07.11.2019 confirmed the order of the learned Magistrate. Further, the petitioner has filed Crl.M.P.No.8752 of 2024 in M.C.No.2 of 2016 invoking Section 127(1) Cr.P.C., seeking to modify the order of maintenance passed by the learned Judicial Magistrate No.III, Coimbatore and the said petition was dismissed on 10.10.2024. Aggrieved by the same, the petitioner has filed this Criminal Revision Petition.

4. Learned counsel for the petitioner/husband submitted that the first respondent/wife is earning more than the petitioner. The petitioner sold his company due to loss and he cleared all his debts. Now, the petitioner is a penniless man and he is unable to maintain himself. Even in that condition also, the petitioner/husband is maintaining his aged mother. The first respondent/wife



is a woman of means and she is able to maintain herself. The learned Magistrate failed to consider the same, dismissed the petition filed by the petitioner.

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5. Though notice was ordered, the petitioner has not taken any steps to serve notice on the respondents.

6. The maintenance case is pending from 2016 and the same was subsequently disposed of in the year 2018, the petitioner/husband is now challenging the impugned order dated 10.10.2024 passed in Crl.M.P.No. 8752 of 2024 by the learned Judicial Magistrate No.III, Coimbatore and also to modify the order dated 25.06.2018 passed by the learned Judicial Magistrate No.III, Coimbatore in MC. No. 2 of 2016.

7. The petitioner has filed petition after petition. However, the petitioner has not proved that the first respondent/wife is earning more than him. Further, the petitioner/husband has not proved that he has no income and he sold the company, due to which, he become a man of no means. The petitioner has not produced any document like assets and liabilities statement or any other documents to prove the same. The learned Magistrate, considering the rise in price index day-by-day, ordered Rs.9,000/- each to the respondents as



maintenance is reasonable. Further, the petitioner has not established the change of circumstances. Hence, this Court does not want to interfere with the order dated 10.10.2024 passed in Crl.M.P.No.8752 of 2024 and order dated 25.06.2018 passed in M.C.No.2 of 2016 by the learned Judicial Magistrate No.III, Coimbatore. There is no merit in the revision petition and the same is liable to be dismissed.

8. Accordingly this criminal revision petition is dismissed. Consequently, connected miscellaneous petition is closed.

01-04-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The Judicial Magistrate No.III,
Coimbatore.



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P.VELMURUGAN J

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