

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1562 OF 2009
[ARISING OUT OF S.L.P. (CRL.) NO. 3487 OF 2006]

PRAMOD KABLE

.....

APPELLANT

VERSUS

SARITA AND OTHERS

.....

RESPONDENTS

O R D E R

Leave granted.

We have heard the learned counsel for the parties. It is conceded at Bar that the respondents are being paid Rs. 900/- per month as a consequence of the order of the Matrimonial Court. A sum of Rs. 1500/- per month has also been awarded by way of maintenance and a further sum of Rs. 1000/- each to respondent Nos. 2 and 3 by the learned Magistrate, First Class, Akola and affirmed by the High Court in proceedings under Section 125 of the Code of Criminal Procedure, which would amount to Rs. 2,400/- to be paid to the respondents by way of maintenance. This was over and above Rs. 900/- that the appellant herein was already directed to pay in the collateral proceedings for divorce.

We have also gone through the grounds of revision filed by the appellant herein before the Judicial

Magistrate, First Class, Akola, in which he stated that he was receiving Rs. 2,600/- per month after standard deductions. This figure has not been challenged by the wife.

In this view of the matter, we are of the opinion that the award of Rs. 2,400/- out of Rs. 2,600/- is rather excessive. We, accordingly, direct that the respondents will get a total of Rs. 1,500/- as maintenance i.e. in addition to Rs. 900/- as per the order of the Matrimonial Court, a further sum of Rs. 200/- per month per person be paid as maintenance under the present proceedings.

The appeal is allowed to the above extent.

.....J
[HARJIT SINGH BEDI]

.....J
[DR. B.S. CHAUHAN]

NEW DELHI
AUGUST 17, 2009

JUDGMENT