

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAI PUR BENCH, JAI PUR

ORDER

S.B. CRIMINAL MISC. PETITION NO. 3601/2013

PRITAM KUMAR BAIRWA VS. SMT. PRIYANSHI(ASHA) & ANOTHER.

DATE OF ORDER : 30.09.2013

HON'BLE MR. JUSTICE NARENDRA KUMAR JAIN-II

Mr. Umesh Shringi, for the petitioner.

Mr. Laxman Meena, Public Prosecutor, for the Respondent No. 2-State.

Heard learned counsel for the petitioner.

This petition under Section 482 Cr.P.C. is directed against the order dated 15.12.2012 passed by learned Family Judge No. 2, Jaipur (hereinafter referred to as 'the Trial Court') in Case No. 753/2009, whereby learned Trial Court allowed the application under Section 125 Cr.P.C. filed by the respondent No.1 and directed the petitioner-husband to pay Rs. 6,000/- to respondent No.1 -wife Smt. Priyanshi (Asha) per month as interim maintenance from the date of order.

Having heard learned counsel for the petitioner-husband and perused the impugned order passed by the learned Trial Court, I am of the view that the provision is enacted for social justice and specially to protect women and children and falls within the Constitutional sweep of Article 15(3) of the Constitution of India, reinforced by Article 39 of the Constitution of India. The provision gives effect to natural and fundamental duty of a man to maintain his wife. The object of the maintenance proceedings is not to punish the

person for his past neglect but to prevent vagrancy by compelling those who can do so to support those who are unable to support themselves and who have a moral claim to support. The matter is still pending before the learned Trial Court and the parties will be free to lead their evidence before the learned Trial Court at later stage, as at this stage, only interim maintenance has been granted to the respondent-wife by the learned Trial Court. In my considered view and in the conclusion, I am inclined to observe that the petitioner being husband has to maintain and must maintain his wife. In view of above discussion, I find no illegality or error in the impugned order passed by the learned Trial Court, warranting any interference by this Court in exercise of its jurisdiction under Section 482 Cr.P.C.

Consequently, the misc. petition, being devoid of merit, is, hereby, dismissed. However, learned Trial Court is directed to decide the application under Section 125(5) Cr.P.C. filed by the petitioner on merits expeditiously.

Stay application also stands dismissed.

(NARENDRA KUMAR JAIN-II),J.

Brijesh.
S.No.52.

"All corrections made in the judgment/ order have been incorporated in the judgment/ order being emailed."

BRIJESH KUMAR SHARMA
JUNIOR PERSONAL ASSISTANT.