



2026:KER:52406

Crl.Rev.Pet.No.1311 of 2023

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE JOBIN SEBASTIAN

WEDNESDAY, THE 15TH DAY OF JULY 2026 / 24TH ASHADHA, 1948

CRL.REV.PET NO. 1311 OF 2023

AGAINST THE JUDGMENT DATED 04.12.2023 IN CRL.A NO.46 OF
2023 OF DISTRICT COURT & SESSIONS COURT / RENT CONTROL
APPELLATE AUTHORITY , PALAKKAD ARISING OUT OF THE ORDER
DATED 13.03.2023 IN MC NO.76 OF 2018 OF JUDICIAL
MAGISTRATE OF FIRST CLASS ,CHITTUR

REVISION PETITIONER/APPELLANT/RESPONDENT:

XXXX

BY ADVS.
SHRI.JACOB SEBASTIAN
SHRI.WINSTON K.V
SMT.ANU JACOB

RESPONDENTS/RESPONDENT/PETITIONER & STATE:

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STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, ERNAKULAM DISTRICT, PIN - 682031

BY ADVS.
SRI.S.RAJEEV
SRI.V.VINAY
SRI.M.S.ANEER



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**SHRI.PRERITH PHILIP JOSEPH
SHRI.ANILKUMAR C.R.
SHRI.K.S.KIRAN KRISHNAN**

OTHER PRESENT:

SR. PP-SMT.MEGHA K. XAVIER

**THIS CRIMINAL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 15.07.2026, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**

**ORDER****(Dated this the 15th day of July, 2026)**

This Criminal Revision Petition has been filed by the respondent in M.C. No. 76 of 2018 on the file of the Judicial First Class Magistrate Court, Chittur. The said miscellaneous case was instituted by his wife under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short "PWDV Act") seeking various reliefs. The parties are hereinafter referred to according to their status before the trial court.

2. The learned Magistrate, after hearing both parties and considering the pleadings and evidence on record, directed the respondent to pay an amount of Rs.10,000/- (Rupees Ten Thousand only) each as maintenance to the petitioner, his wife and to his minor daughter and further ordered payment of an amount of Rs.2,00,000/- (Two Lakhs only) as compensation to the petitioner for emotional distress.

3. Aggrieved by the said order, the respondent preferred Criminal Appeal No.46 of 2023 before the Sessions Court, Palakkad. The learned Sessions Judge, Palakkad, after hearing the appeal, dismissed the same and confirmed the



order passed by the learned Magistrate. Aggrieved by the same, the respondent approached this Court with the present Criminal Revision Petition.

4. Heard the learned counsel appearing for both parties and perused the records.

5. The learned counsel for the revision petitioner/respondent submitted that the maintenance amount awarded by the trial court is excessive. According to the learned counsel, the petitioner in the original M.C. is an educated lady, and she is working as a teacher in a private college, and it was without taking into consideration of the said fact that the learned Magistrate passed the impugned order. The learned counsel further urged that the trial court as well as the appellate court awarded an exorbitant amount as maintenance without considering the financial status of the revision petitioner. According to the learned counsel, the evidence of PW1 regarding the alleged incidents of domestic violence is also not believable and hence the revision petitioner will not come within the category of an aggrieved person entitling her to prefer a petition seeking reliefs under PWDV Act.



6. Per contra, the learned counsel for the 1st respondent/petitioner submitted that the amount awarded by the appellate court is only a modest sum and the same is highly necessary for meeting the *bona fide* needs of the petitioner and her daughter. According to the learned counsel, having regard to the present cost of living and various other factors such as the rise in the prices of essential commodities and the prevailing economic conditions, the maintenance awarded is just, fair, and reasonable and does not warrant any interference. It was further submitted that the 1st respondent/petitioner had earlier worked in a private school only for a short period, and it was mainly taking note of the said fact that the trial court as well as the appellate court had inclined to award maintenance in her favour as well. Moreover, it was submitted that the revision petitioner, being the husband of the 1st respondent, has a moral and legal obligation to maintain her and the child, irrespective of his financial status, particularly when he has no case that he is not an able-bodied person.

7. Before delving into a detailed discussion regarding the scope of interference in the impugned judgment, it is



worthwhile to note that the scope of interference in a revision petition is limited. By a series of judicial pronouncements, it is well settled that a court exercising revisional jurisdiction will interfere with the findings of the trial court or the appellate court only when such findings suffer from illegality, impropriety, or perversity. Unless it is shown that the judgment of the Trial Court or the Appellate Court is perverse, unreasonable, or suffers from non-consideration of relevant material or misreading of evidence, interference in revision is not warranted. The revisional court cannot reappreciate the evidence as an Appellate Court and substitute its own view merely because another view is possible.

8. In **State of Kerala v. Puttumana Illath Jathavedan Namboodiri** [AIR 1999 SC 981], the Hon'ble Supreme Court held thus:

“In its revisional jurisdiction, the High Court can call for and examine the record of any proceedings for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order. In other words, the jurisdiction is one of Supervisory Jurisdiction exercised by the High Court for correcting miscarriage of justice. But the said revisional power cannot be equated with the power of an



Appellate Court nor can it be treated even as a second Appellate Jurisdiction. Ordinarily, therefore, it would not be appropriate for the High Court to reappraise the evidence and come to its own conclusion on the same when the evidence has already been appreciated by the Magistrate as well as the Sessions Judge in appeal, unless any glaring feature is brought to the notice of the High Court which would otherwise tantamount to gross miscarriage of justice."

9. Keeping in mind the above and reverting to the facts of the case, it can be seen that it is a case in which a married lady had approached the Jurisdictional Magistrate complaining of several acts of ill-treatment and harassment against her by her husband. Various reliefs mentioned under the PWDV Act were sought for by the petitioner in the petition which she had preferred before the Jurisdictional Magistrate. 10. A perusal of the petition in the M.C. reveals that several incidents of domestic violence were portrayed by her in the petition itself. In order to prove her case, when the petitioner was examined as PW1, she had given evidence reiterating the incidents of domestic violence narrated in the petition. She categorically deposed that she was subjected to several sorts of mental and physical cruelty by the respondent within the confines of the



matrimonial home. According to PW1, the respondent had misappropriated her gold ornaments and, after selling the same, he used the amount for his own business purposes. Moreover, apart from the ill-treatments and harassments, the respondent had developed an illicit connection with another lady, and when the petitioner questioned the same, she was again harassed by the respondent. As the ill-treatment and harassment became unbearable, she was constrained to leave the matrimonial home and started to reside separately. Moreover, she deposed that for the last one year, the respondent has not paid any amount towards the maintenance of the petitioner and her child. Although PW1 was subjected to extensive cross-examination, nothing was brought out to disbelieve or discredit her evidence.

10. The learned counsel for the revision petitioner submitted that apart from the interested evidence of the PW1, no independent evidence has been produced from the side of the petitioner to substantiate her case. I cannot agree with the contention of the learned counsel in this regard. This is a case in which a married lady had approached the court portraying various incidents of domestic violence that happened in the



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matrimonial home. Usually, this sort of ill-treatment and harassment happens inside the confines of a house. Therefore, it is not prudent to look for independent corroboration for the evidence of victims of domestic violence. Moreover, even the respondent does not have a case that he had paid any amount towards the maintenance of his wife and child after she departed his company. Undisputedly, non-payment of maintenance itself is an economic abuse which would certainly constitute an act of domestic violence. Therefore, I am of the view that no further proof is required to show that the petitioner was subjected to acts of domestic violence in the matrimonial home at the hands of the respondent. Therefore, her entitlement to get reliefs under PWDV Act requires no further proof.

11. The main contention taken by the revision petitioner/ respondent pertains to the quantum of maintenance awarded. According to the learned counsel for the revision petitioner, the amount of Rs.10,000/- each awarded to the petitioner and her daughter towards maintenance is excessive. Moreover, it was submitted that from the evidence itself, it is established that the petitioner can maintain herself as she is



employed as a teacher in a private college. While considering said contention, it is to be noted that in order to establish the said contention, one witness was examined as RW2, who is none other than the principal of the Mariyan College, Koduvayur, where the petitioner was allegedly working. When RW2 was examined, she admitted that the petitioner was working in the college as a teacher from 06.06.2019 to 27.02.2020. Even if the evidence of RW2 is taken on its face value, what is gatherable is that the petitioner had worked in the said college only for a short period, for only around eight months, and that too for a nominal salary of Rs.10,000/-. Therefore, I am of the view that merely because of the reason that the petitioner worked in a private college for a short period on a nominal salary is not a reason to deny the relief of maintenance under the PWDV Act in her favour.

12. Moreover, it is pertinent to note that the amount awarded is only a modest sum. Now, by a series of judicial pronouncements and even as per the statutory scheme, the amount awarded towards maintenance must be just, fair and adequate, having due regard to the status of the parties and the



standard of living to which they were accustomed. In the case at hand, there is no dispute that the petitioner is a lady having a good family background as well as a good educational background. Therefore, I am of the view that the amount awarded by the trial court, which was confirmed by the appellate court, aligns with the standard of living to which the petitioner is accustomed. Therefore, I am of the considered view that the maintenance awarded by the appellate court is reasonable and fair and agrees with the present cost of living. By no stretch of imagination it can be said that the same is beyond the bona fide requirements of the petitioner as well as her minor child.

13. Although the learned counsel for the revision petitioner argued that the revision petitioner is not in a position to give such an amount as maintenance, it cannot be ignored that it is the moral as well as legal obligation of a husband to maintain his wife and child, irrespective of his financial capacity. Moreover, the revision petitioner/respondent does not have a case that he is not an able-bodied person. Therefore, he is bound to provide sufficient maintenance to ensure a dignified



life for his wife and the child.

14. Therefore, I am of the view that there is nothing that survives for interference with the well-considered order passed by the appellate court. Likewise, in the facts and circumstances of the present case, the maintenance awarded cannot be said to be excessive or disproportionate to the genuine needs of the petitioner and her child. In the absence of any manifest illegality, perversity or error in the findings of the appellate court, no interference is called for in this revision. Admittedly, the petitioner's daughter is pursuing her studies. Considering the present cost of living, including expenses towards clothing, food, education and medical treatment, the amount awarded cannot be considered as exorbitant or excessive.

In the result, the Criminal Revision Petition fails and is accordingly dismissed.

Sd/-
JOBIN SEBASTIAN
JUDGE