

FORM No. 51

IN THE COURT OF SESSION, KASARAGOD DIVISION

Present:- Sri.R.Vinayaka Rao, Sessions Judge
 Saturday, the 06th day of June, 2026/16 Jyaishta, 1948

CRIMINAL APPEAL No.50 OF 2026

From which Court the appeal is preferred : Judicial First Class Magistrate Court-II, Hosdurg

No. of the case in that Court : CMP.4813/25 in MC.124/2025

Name and description of the appellants. : Ashraf.C.A, aged 43 years, S/o.C.H Abdulla, Kolachiyadukkam House, Kolachiyadukkam, Cherkala, Edneer P.O, Padi Village, Kasaragod Taluk, Represented by his Power of Attorney holder C.H.Abdulla, aged 73 years, S/o.Baduvan Mohammed, Kolachiyadukkam House, Kolachiyadukkam, Cherkala, Edneer P.O, Padi Village, Kasaragod Taluk.

Name and description of the Respondent. : 1. Noorul Ameera, aged 30 years, W/o.Ashraf.C.A, D/o.Abdul Hameed Muhammed Residing Villa Goa Bankana, Vedikkunnu, Mangad, Bara P.O, Udma Village, Hosdurg Taluk.
 2. The State: Represented by Public Prosecutor, Kasaragod.

The sentence and law : 1. The first respondent

under which it was imposed in the Lower Court.

shall pay monthly maintenance of ₹ 10,000/- each to children of petitioner. The monthly maintenance shall be paid before 10th day from the date of this petition. The arrears in maintenance shall be paid within 30 days from the date of this order.

2. The first respondent shall not alienate the petition schedule property till further orders of this court.

Whether confirmed, : Appeal not pressed.
reversed or modified.

If modified
modification

Date of or on which							
Presentati on	Filing	Issuan ce of notice to the respon dent	Appea rance of respo ndent	Appell ant ordere d to be appear	Release on executi on of bail bond	Final hearing	Judgment
27.02.2026	05.03.2026	--	--	--	--	06.06.2026	06.06.2026

This appeal coming up before me upon perusing the petition of appeal and the record of the evidence and proceedings and upon duly considering the same after hearing the arguments of Sri.M.K.Unnikrishnan, Advocate for the Appellant; Sri.Naseema.E.K, Advocate for 1st Respondent and the Public Prosecutor for 2nd Respondent; I do adjudge and pass the following:-

O R D E R

The above Crl.Appeal is filed against the order of the Judicial First Class Magistrate-II Hosdurg in Crl.M.P.No.4813/2025 in MC No.124/2025 dated 06.02.2026.

2. The 1st respondent before the trial court is the appellant herein. By the impugned order, the trial court had directed the appellant herein to pay monthly maintenance of Rs.10,000/- each to the children of the petitioner in the CMP before the 10th day from the date of petition and the arrears in maintenance shall be paid within 30 days from the date of order and it was ordered that the appellant herein shall not alienate the petition schedule property, till further orders of the court. Aggrieved by the said order, the appeal was filed.

4. The appellant had filed CrI.MP No.01/2026 in the above court and this court directed the appellant to pay an amount of Rs.6,000/- to his two children until further orders.

5. On 05.06.2026, when the above appeal came up for consideration, the counsel for the appellant has filed a memo stating that the appeal is not pressed. The counsel for the 1st respondent in the appeal appeared through online, opposed the prayer in the memo.

6. In the memo, the appellant/petitioner stated that he has filed a petition for modifying the order of the lower court as per CrI.MP.No.02/2026 as he lost his job and he prayed to dismiss the appeal before this court. The counsel for the 1st respondent contended that the petitioner is urging before the trial court that this court had reduced the compensation to Rs.6,000/- per month and so, his request to dismiss the appeal as not pressed may not be allowed.

7. I have gone through the records as the petitioner is not pressing the appeal, according to me, the appeal can be disposed as not pressed. It is made clear that the interim order passed by this court directing the petitioner to pay a monthly maintenance of Rs.6,000/- each to his children can be vacated as there is an order by the trial court to pay monthly maintenance of more than the above amount.

In the result, on the basis of the memo filed by the appellant, the appeal is dismissed as not pressed. The interim order passed by this court in CrI.MP.No.01/2026 is vacated.

Dictated to the Confidential Assistant, transcribed and typed by her, revised and corrected by me and pronounced on this the 06th day of June, 2026.

Sd/-
SESSIONS JUDGE
KASARAGOD

//True copy//

IN THE COURT OF SESSION, KASARAGOD

CRIMINAL APPEAL No.50/2026

Judgment Dated: 06.06.2026

To

The Registrar

(District Judiciary),

Hon'ble High Court of Kerala.

The J.F.C.M Court-II, Hosdurg

The Public Prosecutor, Kasaragod