

APPELLATE CRIMINAL.

*Before Sir Arthur J. H. Collins, Kt., Chief Justice,
and Mr. Justice Parker.*

QUEEN-EMPRESS

v.

RAMASAMI.*

1889.
August 21.

*Criminal Procedure Code, s. 488—Liability of a Hindu not divided from his
father to maintain his wife.*

A Hindu not divided from his father can be ordered to maintain his wife under s. 488 of the Code of Criminal Procedure.

CASE (being maintenance case No. 1 of 1889, on the file of the Deputy Magistrate of Coimbatore) reported for the orders of the High Court under section 488 of the Code of Criminal Procedure, by J. H. A. Tremenhoe, Acting District Magistrate of Coimbatore.

Rajarithna Mudaliar for defendant.

The Court made the following

ORDER :—The Deputy Magistrate's opinion that a son not divided from his father cannot be ordered to maintain his wife cannot be supported. He must be taken to be able to utilize his joint interests as well for the maintenance of his wife as for his own when it is necessary to do so. The order of the Deputy Magistrate is set aside, and he is directed to restore the case to his file and dispose of it in accordance with the provisions of section 488, Criminal Procedure Code.

* Criminal Revision Case No. 226 of 1889.