



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

Crl.R.C.No.93 of 2015
and M.P.Nos.1 and 2 of 2015

1.M.Prakash
2.M.Ganga Bhavani ... Petitioners
vs.
P.Indhumathi @ Christina ... Respondent

Petition filed under Section 397 (1) r/w 401 of Cr.P.C. to call for the entire records pertaining to Crl.M.P.No.12172 of 2014 in Crl.M.P.No.9788 of 2014 in C.A.No.161 of 2014 pending on the file of the VII Additional Sessions Judge, Chennai and set aside the order dated 22.12.2014 in respect of compensation alone (rupees one lakh) passed in the above Crl.M.P.No.12172 of 2014 in Crl.M.P.No.9788 of 2014 in C.A.No.161 of 2014 by the VII Additional Sessions Judge, Chennai and allow the Criminal Revision Petition.

For Petitioner : Mr.R.Narendran
For Respondent : Mr.C.Thomas Noble

O R D E R

Criminal Revision Case is directed against the order dated 22.12.2014 passed in Crl.M.P.No.12172 of 2014 in Crl.M.P.No.9788 of 2014 in C.A.No.161 of 2014 by the VII Additional Sessions Judge, Chennai.

2. Material on record discloses that on an earlier occasion, this Court, in Crl.R.C.No.1124 of 2014 dated 25.11.2014 has directed the learned VII Additional Sessions Judge, Chennai, to permit marking of documents, filed as additional evidence in the appeal Crl.A.No.161 of 2014 subject to admissibility, relevancy and proof. This Court has further directed the learned Judge to dispose of the appeal, as expeditiously as possible, within a period of three months from the date of receipt of a copy of the order dated 25.11.2014. When the appeal was pending, by order dated 22.12.2014, in Crl.M.P.No.12172 of 2014 in Crl.M.P.No.9788 of 2014 in C.A.No.161 of 2014, the Court below has issued a direction to the petitioner/husband to pay compensation of Rs.1,00,000/-, which is impugned in the present Crl.R.C.No.93 of 2015.

3. According to Mr.R.Narendran, learned counsel for the petitioner, only one month arrears of maintenance, i.e. for the month of February 2014 alone, has to be paid. Whereas, Mr.C.Thomas Noble, learned counsel for the respondent submitted that two months



maintenance has to be paid at the rate of Rs.7,500/- per month.

4. Inviting the attention of this Court to the documents, viz.,

- (i) Bills for the money spent on treatment of respondent
(ii) Slum Clearance Board Allotment letter issued to grandfather of the 1st respondent
(iii) Slum Clearance Board Allotment letter issued to the 2nd respondent;
(iv) F.I.R. in Cr.No.334/13 GRP/Railway Police, Perambur;
(v) Order passed in Crl.O.P.No.17906 of 2013 by the Hon'ble High Court of Madras
(vi) Pro note executed by the 1st appellant
(vii) Demand draft issued in the name of respondent
(viii) Salary slips of the 1st appellant
(ix) Photo of respondent while taking treatment at hospital
(x) Discharge summary of the respondent, learned counsel for the petitioner

submitted that, all the above said documents are original and that if the said documents are marked, subject to admissibility, the Criminal Appeal itself can be disposed of as per the directions of this Court in Crl.R.C.No.1124 of 2014 dated 25.11.2014 and prayed for suitable orders.

5. Learned counsel for the respondent/wife has no objection for marking the said documents subject to admissibility. Submission is placed on record. In the light of the consensus, arrived at by the learned counsel for the parties, learned VII Additional Sessions Judge, Chennai, is directed to take up the appeal, for hearing, mark the documents, cited supra, subject to proof, admissibility, as additional evidence in the appeal, and fix a date for hearing the arguments in the appeal.

6. The learned counsel for the respondent submitted that earlier, in connection with Crl.R.C.No.1124 of 2014, records in Crl.A.No.161 of 2014 from the learned VII Additional Sessions Judge, Chennai have been received by the Registry and he is not in a position to state as to whether the records have been returned to the lower Court. If the records are not sent back, to the said Court, to facilitate the disposal of Crl.A.No.161 of 2014, Registry is directed to return the records forthwith. Crl.A.No.161 of 2014 be disposed of within two weeks. Parties shall not take unnecessary adjournments, except for genuine and bona fide reasons. If the reasons for adjournment are not genuine, learned VII Additional Sessions Judge, Chennai shall impose suitable costs.



WEB COPY

With the above directions, the Criminal Revision Case is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Gms

To

- 1.The VII Additional Sessions Judge, Chennai.
- 2.-do- Thro The Prl.Sessions Judge, Chennai.

- 1 cc to Mr.B.Ganesamoorthy ,Advocate, SR.No.12003
1 cc to Mr.R.Narendran ,Advocate, SR.No.11934

Crl.R.C.No.93 of 2015

msm(co)
pmk.9.3.2015