

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.22122 of 2015
and MP.No.1 of 2015

J.George Gnanaraj

... Petitioner

Vs

Emilda Jothi

... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to modify the order dated 10.08.2015 passed in CMP.No.102 of 2015 in CA.No.160 of 2015 on the file of the IV Additional District and Sessions Judge, Coimbatore.

For Petitioner : Mr.C.D.Sugumar

O R D E R

This petition has been filed to modify the order dated 10.08.2015 passed by the learned IV Additional District and Sessions Judge, Coimbatore in CMP.No.102 of 2015 in CA.No.160 of 2015.

2. Heard the learned counsel for the petitioner and perused the materials placed on record.

3. It is seen that the respondent herein filed proceedings under Domestic Violence Act in DVA.No.38 of 2012 before the learned Judicial Magistrate No.VII, Coimbatore. After taking evidence, the Trial Court by order dated 03.07.2015, directed the petitioner/husband to pay a sum of Rs.10lakhs as compensation to the respondent.

4. Aggrieved by the order dated 03.07.2015, the petitioner/husband has approached the Sessions Court in CA.No.160 of 2015 and prayed for stay of the order. The learned Sessions Judge by order dated 10.08.2015 in CMP.No.102 of 2015 in CA.No.160 of 2015 has granted interim stay of the Trial Court order, on condition, that the petitioner shall pay the entire arrears of maintenance amount alone for a sum of Rs.3,30,000/- to the respondent on or before 03.09.2015 i.e., today.

5. Learned counsel for the petitioner submitted that the respondent was living away in adultery for over 20 years and thereafter, she launched the DV Act proceedings only to harass the petitioner.

6. These aspects were considered by the Trial Court and were negatived. Further, these aspects will have to be again considered in the appeal in CA.No.160 of 2015, that is pending on the file of the learned IV Additional District and Sessions Judge, Coimbatore. Normally, this Court will never interfere in the discretionary jurisdiction of the Courts below.

7. Learned counsel for the petitioner submitted that the petitioner is due to retire and he does not have the amount to pay.

8. Taking all these aspects into consideration, this Court is of the view that it will serve the interest of justice, if the order dated 10.08.2015 in CMP.No.102 of 2015 in CA.No.160 of 2015 passed by the learned IV Additional District and Sessions Judge, Coimbatore is modified to the effect that the petitioner shall pay a sum of Rs.2,50,000/- to the respondent on or before 25.09.2015.

9. With the above modification of the order dated 10.08.2015 passed in CMP.No.102 of 2015 in CA.No.160 of 2015 by the learned IV Additional District and Sessions Judge, this petition is closed. Consequently, connected Miscellaneous Petition is closed.

gya

s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1.The IV Additional District and Sessions Judge,
Coimbatore.

2.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.C.D.Sugumar, Advocate SR 47404

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