

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.26107 of 2015

B.Vijayakumar

... Petitioner

Vs

1.V.Anuradha

2.Minor Keerthana

... Respondents

(minor second respondent
is represented by her
mother V.Anuradha)

Criminal Original Petition filed under Section 482
Cr.P.C. to set aside the order dated 5.10.2015 made in
C.M.P.No.3069 of 2015 in M.C.No.6 of 2011 on the file of the
learned Judicial Magistrate, Katpadi.

For Petitioner : Mr.S.Vijayakumar

ORDER

The present criminal original petition has been filed
by the petitioner to set aside the order dated
5.10.2015 made in C.M.P.No.3069 of 2015 in M.C.No.6 of 2011,
which was filed under Section 311 Cr.P.C., whereby the learned
Judicial Magistrate, Katpadi, has dismissed the petition filed
by the petitioner herein to recall the first respondent for the
purpose of marking the medical records to prove the defence of
the petitioner that the first respondent is suffering from
mental disorder and she has been taking treatment for the same.

2. Heard the learned counsel appearing for the
petitioner. In view of the limited order going to be passed
hereunder, this Court is of the opinion that there is no need to
issue notice to respondents 1 and 2.

3. On a perusal of the order, I find that the said petition was filed after the argument was over in this case. Further, the learned Magistrate has dismissed the petition mainly on the ground that the maintenance cannot be denied to the wife for the reason that she is suffering from mental disorder. When that being the legal position, there is no need to recall the first respondent for the purpose of marking the medical records. I find that the reason assigned by the learned Magistrate is a well considered one and I do not find any valid ground to interfere with the same.

4. In the result, the criminal original petition is dismissed.

Sd/
ASSISTANT REGISTRAR (CS-IV)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

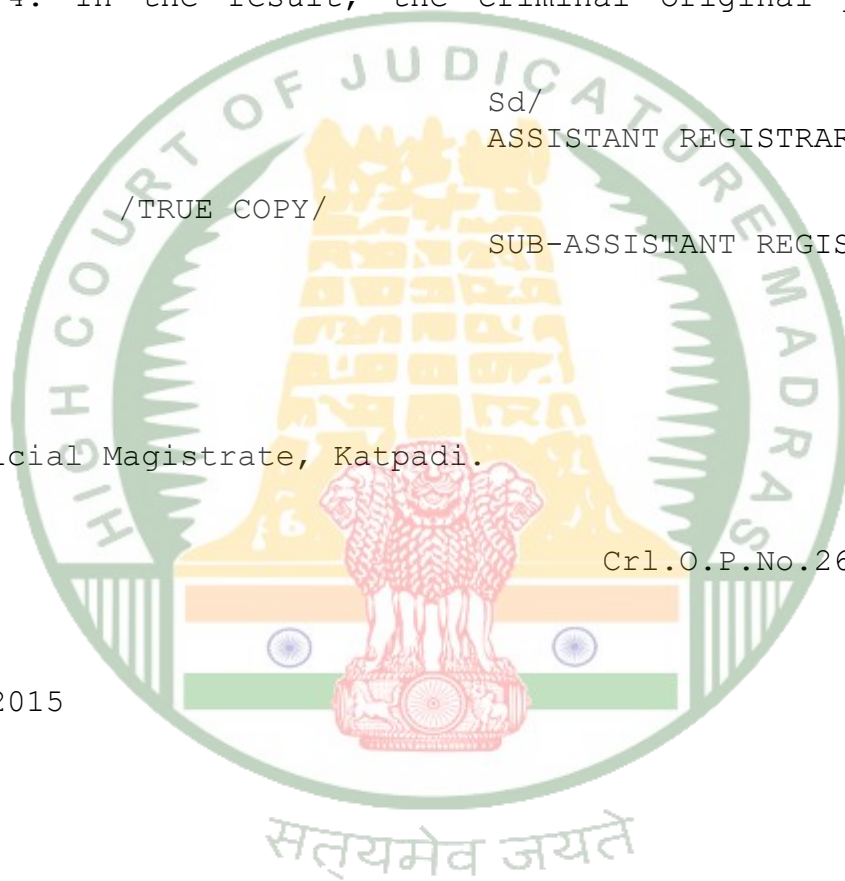
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To

1.The Judicial Magistrate, Katpadi.

Crl.O.P.No.26107 of 2015

CO-PPA
JD 15/12/2015



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