



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

Cr1.R.C. (MD) NO.142 of 2015

B.Muthukumaran

.. Revision Petitioner

Vs.

1.E.Sarala Devi

2.Minor Yoga Priya

rep. By mother and guardian

1st respondent

No.2/411 Pillayar Kovil Street,

Venkatachalapuram

Sattur Taluk

Virudhunagar District.

.. Respondents/

Complainant

Prayer: Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., to call for the records relating to the impugned order of the learned Judicial Magistrate No.II, Sathur in Cr.M.P.No.7362 of 2014 in M.C.No.30 of 2014 dated 13.02.2015, set aside the same and allow the criminal revision case.

For Petitioner :: Mr.K.Appadurai

For Respondents :: Mr.T.Leninkumar

ORDER

The petitioner is the husband of the first respondent and the father of the 2nd respondent. The respondents have filed M.C.No.30 of 2014 on the file of the learned Judicial Magistrate, No.II, Sattur claiming maintenance under Section 125 of the Code of Criminal Procedure. The learned Judicial Magistrate passed an interim order on 13.02.2015 directing the petitioner to pay a sum of Rs.1,000/- each to the respondents till the disposal of the maintenance case. That interim order is under challenge in this revision.

2. I have heard the learned counsel for the petitioner and the learned counsel for the respondents and also perused the records carefully.

<https://hcservices.ecourts.gov.in/hcservices/> The learned counsel for the petitioner would submit that the petitioner has paid Rs.3 lakhs so far.



4. In my considered opinion, if any amount has been paid already that will only be adjusted towards the interim maintenance or if any final order is passed, as against the final order of maintenance. Such payment is not a ground to deny the grant of interim order. The interim order of maintenance is granted only as an emergent measure to rescue the destitute from penury. In this case, the interim order passed is only Rs.1,000/- each and it cannot be said to be in any manner arbitrary. Above all, without getting the case in M.C.No.30 of 2014 disposed of by the learned Magistrate, finally the petitioner has rushed to this Court, which in my considered opinion, is only to drag on the proceedings.

5. In such view of the matter, the criminal revision petition fails and the same is dismissed. Consequently connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate, No.II
Sattur.

2.The Chief Judicial Magistrate,
Virudhunagar at Srivilliputhur

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to MR.T.Lenin Kumar, Advocate Sr.No.29867

+1cc to MR.K.Appadurai, Advocate Sr.No.29835

rr

AA/22.06.2015/ 2p- 6c/

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