



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

Crl.R.C.(MD)Nos.156 to 160 of 2015

and

M.P(MD)No.1 of 2015(in all Crl.Rcs)

and

M.P(MD)Nos.2 and 2 of 2015(in Crl.Rc.Nos.159 and 160/2015

K.AYYANAR

..PETITIONER/RESPONDENT/RESPONDENT

IN ALL CRL.RCS.

VS.

P.MUNIAMMAL

..SOLE RESPONDENT IN CRL.RC(MD).156/2015 &

1ST RESPONDENT/1ST PETITIONER/1ST PETITIONER

IN CRL.RC(MD)NOS.158 TO 160/2015

KARTHIKA

...SOLE RESPONDENT/PETITIONER/PETITIONER

IN CRL.RC(MD)NO.157/2015 & 2ND RESPONDENT/2ND PETITIONER/

2ND PETITIONER IN CRL.RC.(MD)NOS.158 TO 160/2015

COMMON PRAYER IN CRL.RC(MD)NOS.156 TO 160 OF 2015 :

Petitions filed under Section 397 r/w 401 of the Code of Criminal Procedure to call for the records relating to the order passed by the learned Judicial Magistrate, Shencottai in Cr.M.P.No.3328/2012, 3329/2012, 12662/2014, 9031/2014 and 3949/2014 respectively in M.C.No.3 of 2004, dated 19.01.2015 and set aside the same.

For Petitioner : Mr.N.Dilipkumar

For Respondent : Mr.N.Anandhapadmanabhan

COMMON ORDER

In all these petitions since common issues are involved they are heard together and disposed of by this common order.

2. The petitioner in all these petitions is the husband of the first respondent namely Muniammal and father of the second respondent namely Karthika. The respondents filed M.C.No.3 of 2004 on the file of the learned Judicial Magistrate, Shencottai, claiming maintenance. The learned Magistrate accordingly passed an order directing the petitioner to pay Rs.1000/ to his wife and Rs.2000/- to his daughter, per month. Thereafter, the amount was also enhanced. The petitioner did not pay the amount due as per the order in M.C.No.3 of 2004. Seeking to enforce the order in M.C.No.3 of 2004, the respondents filed five separate miscellaneous petitions in Crl.M.P.Nos.3328 of 2012, Crl.M.P.3329 of 2012, Cr.M.P.No.3949 of 2014, Cr.M.P.No.9031 of 2014 and Crl.M.P.No.12662 of 2014, relating to five different periods. Even after filing all these petitions, the amount was not paid. Therefore, the learned Magistrate passed an order attaching a part of the pension amount, which was paid by the Government. Challenging the said orders passed in these Crl.M.Ps., the petitioner has come forward with these Criminal Revision Cases.



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

4. The learned counsel for the petitioner would submit that the petitioner is receiving only Rs.17,000/- as pension; out of which, Rs.10,000/- is ordered to be attached. He would further submit that the order may be modified and there may be attachment only for Rs.5,000/-.

5. The request of the petitioner, cannot be considered. The petitioner is bound to obey the order passed in the maintenance case. Since the petitioner has not paid the amount, the lower court has ordered to attach a part of the pension amount. There is nothing illegal in the same. I do not find any merit in all these Criminal Revision Cases.

In the result, all these Criminal Revision Cases fail and accordingly, the same are dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate, Shencottai.

+1CC TO MR.N.DILIPKUMAR, ADVOCATE IN SR.NO. 39442

+1CC TO MR.N.ANANTHAPADMANABAN, ADVOCATE IN SR.NO. 39708

Pm

SR : 03.08.2015 : 2p/4c

CrI.R.C.(MD)No.156 to 160 of 2015
16.07.2015