

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1158 of 2014

ORDER:

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1. This Criminal Revision Case is filed by the petitioner challenging the order dated 25.2.2014 in CrI.M.P.No.366 of 2014 in CrI.M.P.No.2556 of 2013 in M.C.No.9 of 2009.

2. The petitioner is the husband of the 2nd respondent. The 2nd respondent filed the above M.C. seeking maintenance from the petitioner-husband. The trial Court allowed the M.C. directing the petitioner to pay maintenance at the rate of Rs.3,000/- per month to the 2nd respondent. The 2nd respondent filed CrI.M.P. 2556 of 2012 for recovery of arrears of maintenance. Meanwhile, the petitioner filed revision before this Court seeking to set aside the orders in the M.C. and in the said revision, this Court granted interim stay of all further proceedings in M.C. on condition of the petitioner depositing the entire arrears calculating at the rate of Rs.2,000/- per month towards maintenance to the 2nd respondent within a period of three months from the date of 12.7.2012 and continue to pay at the same rate on or before 10th of every succeeding month. While matter stood thus, the petitioner filed CrI.M.P.No.366 of 2014 under Section 311 Cr.P.C. to summon the witnesses listed in the petition for the purpose of marking some documents in CrI.M.P. No.2556 of 2013, which is pending before the trial Court, on the ground that the matter was settled out of Court and the 2nd respondent failed to comply with the terms and conditions of the compromise. The said petition was dismissed. Aggrieved by the same, the petitioner filed the present revision.

3. Heard and perused the material available on record.

4. Considering the facts and circumstances of the case and in view

of the nature of the proceedings and the relationship between the parties, without expressing any opinion on the merits of the case, this revision is disposed of with the following direction:

“The petitioner is directed to file fresh application to summon the witnesses intended to be examined. On such application being filed, the trial Court is directed to allow the same subject to the condition of the petitioner depositing Rs.1,000/- towards expenses to each witness and fix a date for examination of the said witnesses. The petitioner is also directed to examine all the witnesses, sought to be examined, on the date that would be fixed by the trial Court. If he fails to do so, the trial Court is at liberty to proceed in accordance with law.”

5. Accordingly, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 22nd June, 2015

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