

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Criminal Revision No.372 of 2011

Shankar

...Petitioner

Vs

1. Clementina
2. Nansi Kavitha

...Respondents

Prayer:- This Criminal revision is filed under Section 397 & 401 of Cr.P.C., to set aside the order passed in M.P.No.306 of 2010 in M.C.No.413 of 2005 dated 13.11.2006 and to recall the non bailable warrant issued on 13.11.2010.

For petitioner : Mr.T.Muruganantham

For Respondents : Mr.C.Jayavel
Legal aid counsel.

O R D E R

The present criminal revision has been filed by the petitioner against the order passed by the learned Second Additional Family Court, Chennai, wherein non bailable warrant was issued as against the petitioner.

2. Earlier, the respondents herein have filed a petition under Section 125 of Cr.P.C against the petitioner herein claiming maintenance for a sum of Rs.2,500/- per month each to the petitioners and the learned Second Additional Family Court, Chennai, by an order dated 22nd January, 2008, allowed the said petition in part and the petitioner herein was directed to pay a sum of Rs.2,000/- per month to the first respondent and a sum of Rs.1,000/- per month to the second respondent as maintenance from the date of the petition i.e., on 22.08.2005. Since, the petitioner failed to pay the said amount, the respondents filed a petition under Section 125(3) of Cr.P.C. seeking a direction to the petitioner to pay the arrears of Rs.36,000/- towards maintenance. In the above application, the petitioner failed to appear before the Court and hence the

learned Judge was pleased to issue a non bailable warrant. Challenging the above order the present revision petition was filed.

3. Heard Mr.T.Muruganantham, learned counsel for the petitioner and Mr.C.Jayavel, learned counsel for the respondents and perused the materials available on record.

4. Since, the petitioner failed to pay the maintenance as ordered by the learned Judge, the respondents have filed an application to payment of arrears under Section 125(3) Cr.P.C. In the said application the petitioner has deliberately avoided to appear before the Court. Hence, considering the facts and circumstance, the learned Judge issued a non bailable warrant. Therefore, I find no illegality or infirmity in the order passed by the learned Second Additional Family Judge, Chennai and hence the revision petition is liable to be dismissed and accordingly dismissed.

5. Hence, the Criminal Revision is dismissed and the learned Second Additional Family Court, Chennai is directed to take steps to execute the warrant forthwith. Consequently connected Miscelleneous Petition closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rts

To

The Second Additional Family Court,
Chennai.

+1cc to Mr.Muruganantham, Advocate, S.R.No.73329

+1cc to Mr.Jayavel, Advocate, S.R.No.73247

SVJ(CO)

RS(03/02/2017)

Cr1.R.C.No.372 of 2011