

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2016

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.1199 of 2016

and

Crl.M.P.No.10708 of 2016

Parimalan

... Petitioner / Petitioner/
Respondent

Vs.

1.Usha

2.Pooja (minor)

3.Gajalakshmi (minor)

... Respondents / Respondents /
Petitioner

Respondents 2 and 3 rep. By mother, 1st Respondent.

Criminal Revision filed under Sections 397 and 401 Cr.P.C. against the order of learned Principal District and Sessions Judge, Vellore, passed in Crl.M.P.No.2530 of 2015 in M.C.No.9 of 2011 on 27.04.2016.

For Petitioner : Mr.A.Rajesh Kanna

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This revision arises against the order of learned Principal District and Sessions Judge, Vellore, passed in Crl.M.P.No.2530 of 2015 in M.C.No.9 of 2011 on 27.04.2016.

2. Challenging a direction to the petitioner to pay maintenance passed in M.C.No.9 of 2011 by learned District Munsif, Ranipet, on 30.09.2013, petitioner has moved a criminal revision petition before learned Principal District and Sessions Judge, Vellore, with a direction to condone the delay of 489 days in doing so. Since there was no representation for the petitioner on 27.04.2016 and on the earlier hearing date 05.04.2016, such petition has been dismissed for non-prosecution. Against such order, the present revision has been filed.

3. Heard learned counsel for petitioner.

4. It is seen that service on respondents in application before Court below has been effected through paper publication. Considering the submission of learned counsel for petitioner, this Court is of the view that the petitioner may be given one opportunity to raise contentions on merits.

The Criminal Revision Petition shall stand allowed. The order of learned Principal District and Sessions Judge, Vellore, passed in Crl.M.P.No.2530 of 2015 in M.C.No.9 of 2011 on 27.04.2016, shall stand set aside. Learned Principal District and Sessions Judge, Vellore, is directed to restore Crl.M.P.No.2530 of 2015 on file and dispose of the same on merits. Connected miscellaneous petition is closed.

gm

Sd/-
Assistant Registrar (CS II)
/TRUE COPY/
Sub-Assistant Registrar

To

1 The Principal District and Sessions Judge,
Vellore.

2 The District Munsif,
Ranipet.

+1CC to MR.A.RAJESH KANNA Advocate SR.NO.62922

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VGI [CO]
MK:14/12/2016

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