

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.6021 of 2016

and

Crl.MP.Nos.3090 and 3091 of 2016

Saravanan

... Petitioner

Vs.

1.Anandha Jothi

2.Minor Prasanth

Minor represented by

Next Friend/Guardian 1st respondent

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in C.R.P.No.22/2015 dated 20.11.2015 on the file of the 2nd Additional District and sessions Judge, Salem, confirming the maintenance amount ordered by the learned Judicial Magistrate No.1, Aathur in M.C.No.19/2013 dated 09.03.2015 and set aside the same.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.H.Rajasekar

O R D E R

The petitioner has come forward with this petition to call for the records in C.R.P.No.22/2015 dated 20.11.2015 on the file of the 2nd Additional District and sessions Judge, Salem, confirming the maintenance amount ordered by the learned Judicial Magistrate No.1, Aathur in M.C.No.19/2013 dated 09.03.2015 and set aside the same.

2.This Court by order dated 17.03.2016 granted interim stay on condition that the petitioner shall deposit a sum of Rs.5,000/- per month from the date of filing the petition till 31.03.2016 on or before 21.04.2016 to the credit of C.R.P.No.22 of 2015 on the file of the learned II Additional District and Sessions Judge, Salem.

3.Today (22.04.2016), the petitioner is not present before this Court. The learned counsel for the petitioner is present and submitted that the conditional order passed by this Court on 17.03.2016 has not been complied with. This attitude of the petitioner shows that only with a view to drag on the

proceedings without the paying the amount to the wife, the present petition has been filed. On perusal of the records shows that the respondents herein filed a petition in M.C.No.19 of 2013 before the learned Judicial Magistrate No.1, Aathur under Section 125 Cr.P.C. claiming maintenance, in which, Rs.7,000/- (Rs.3,000/- to the first respondent and Rs.4,000/- to the second respondent) has been awarded. Against which, the petitioner has preferred C.R.P.No.22 of 2015 before the learned 2nd Additional District and Sessions Judge, Salem, in which the order passed in M.C.No.19 of 2013 has been confirmed considering the financial capacity of the petitioner. In such circumstances, I do not find any reason to interfere with the finding of both the Courts below. Hence, the Criminal Original Petition is dismissed with cost. The petitioner is directed to pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the District Legal Services Authority, Villupuram. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

cse

To

- 1.The II Additional District and sessions Judge,
Salem.
- 2.The Judicial Magistrate No.1,
Aathur.
3. The Secretary, District Legal Service Authority,
Villipuram.

+lcc to Mr.N. Suresh, Advocate, S.R.No.25588
+lcc to Mr.Rajasekar, Advocate, S.R.No.25266

SVI(CO)
EU(10/05/2016)

Cr1.O.P.No.6021 of 2016
and
Cr1.MP.Nos.3090 and 3091 of 2016