



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2016

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE V.S.RAVI

Criminal Revision Petition(MD) No.540 of 2015

and

M.P. (MD) No.1 of 2015

Sulthan Najmudheen : Petitioner
Vs.

Jegannabegam : Respondent

Prayer: Criminal Revision Petition filed under Sections 397 read with 401 of Cr.P.C. to set aside the judgment passed in C.A.No.23 of 2013, dated 18.02.2014 on the file of the learned Principal District Sessions Judge, Theni, partially modifying the judgment passed in Cr.M.P.No.3955/2011, dated 10.04.2013 on the file of the learned Judicial Magistrate Court, Uthamapalayam.

For Petitioner : NO Appearance
For Respondent : Mr.T.Lenin Kumar

O R D E R

The matter is called in Open Court. The learned counsel for the respondent is present and also ready. No representation is made for the petitioner. The petitioner is also called absent, even though the matter is posted under the caption 'for dismissal'.

2.In the affidavit enclosed with the petition (M.P.No.1 of 2015), it is clearly stated that the respondent herein filed a petition in Cr.M.P.No.3955 of 2011 under Section 12 of Domestic Violence Act before the Judicial Magistrate, Uthamapalayam. The trial Court, on 10.04.2013 passed an order awarding maintenance of Rs.6,000/- per month and also compensation of Rs.5 lakhs to the wife. Aggrieved over the same, the petitioner herein filed an appeal before the learned Principal District and Sessions Judge, Theni in Crl.A.No.23 of 2013, wherein, the learned Principal District Sessions Judge has partially allowed the appeal only in respect of the compensation amount, by modifying the compensation amount from Rs.5 lakhs to Rs.4 lakhs. Thereafter, the petitioner has filed the present criminal revision.



3. Though sufficient and adequate opportunity has been given to the petitioner to establish the points raised in the revision, the petitioner has miserably failed to appear before the Court either in person or through advocate and also to establish the grounds made in the revision. Further, in M.P.(MD) No.1 of 2015 in CrI.R.C.(MD) No.540 of 2015,, by an order dated 06.01.2016, this Court has passed the order as follows:

"This Court, considering the aforesaid request made by the learned counsel for the revision petitioner/Husband, directs the revision petitioner to pay the said sum of Rs.1,00,000/- to the respondent/wife either by means of demand draft or to deposit the said amount before the trial court to the credit of Cr.M.P.No.3955 of 2011. In this regard, the revision petitioner is granted four weeks time. On such deposit being made, the respondent/wife is permitted to withdraw the said amount by filing necessary payment out application as per Criminal Rules of Practice."

Further, in the memo dated 6.1.2016, filed on behalf of the respondent herein, it is specifically pointed out that the respondent herein has no job and the petitioner has to pay arrears of amount of Rs.3,48,000/-.

4. On a perusal of the entire materials brought on record, it is found that the lower appellate Court has passed a detailed and well considered judgment in CrI.A.No.23 of 2013 consisting of 11 pages with 14 paragraphs. Further, it is seen that sound reasons are being assigned by the lower appellate Court to pass the above mentioned modification judgment. The revision petitioner has not established that the said impugned judgment passed by the lower appellate Court is not in accordance with law. Hence, this Court has come to the conclusion that lower appellate Court has amply and sufficiently considered materials on record and also passed the impugned judgment and the trial Court has thoroughly and deeply analyzed the entire materials on record and it is also seen that the said judgment of the lower appellate Court does not warrant any interference by this Court and also there is no error found in the impugned judgment. Hence, it is held that the impugned judgment is liable to be confirmed.

5. In the result and also in the above mentioned facts and circumstances, this criminal revision is **dismissed**. Consequently, connected M.P.(MD) No.1 of 2015 is also dismissed.

Sd/-

Assistant Registrar(RTI)



To

1.The Judicial Magistrate, Uthamapalayam.

2.The Principal District and Sessions Judge, Theni.

Copy To:

The Section Officer, V.R Section,
Madurai Bench of Madras High Court, Madurai

+1cc to Mr.R.J.Karthick, Advocate Sr.No.14068

+1cc to Mr.T.Lenin kumar, Advocate Sr.No.14041

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AA/SKS-RR/28.03.2016/3p-6c

Order made in
Criminal Revision Petition(MD) No.540 of 2015
and
M.P.(MD) No.1 of 2015

11.03.2016