

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 20.06.2016****CORAM****THE HONOURABLE DR.JUSTICE P.DEVADASS****Crl.R.C. (MD)No.22 of 2016**

WEB COPY

1.Ramalakshmi @ Lakshmi
2.Minor Pandeewaran

... Petitioners

Vs.

S.Lakshmanan

... Respondent

Prayer: Criminal Revision Petition filed under Sections 397 r/w. 401 Cr.P.C., to call for the entire records relating to the order passed in Crl.R.C.No.01 of 2015 dated 28.07.2015 on the file of the learned Principal District and Sessions Judge, Ramanathapuram and to set aside the same by allowing this Criminal Revision petition.

For Petitioners : Mr.K.C.Ramalingam

For respondent : Mr.A.Uthaya Kumar

O R D E R

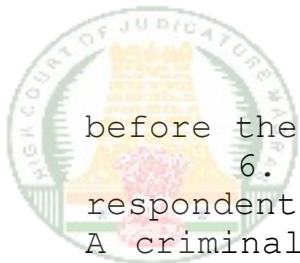
The wife and sons of the respondent are challenging the sudden reduction of the maintenance amount ordered by the learned Principal District Judge, Ramanathapuram.

2.The first revision petitioner married the respondent on 01.09.2000. Out of their wedlock, the second revision petitioner was born to them. Dispute arose between them. The revision petitioners are not living with the respondent.

3. In M.C.No.16 of 2011, before the learned Judicial Magistrate, Muthukulathur, they have claimed maintenance under Section 125 Cr.P.C. On 11.10.2014, the learned Magistrate ordered Rs.3,000/- p.m. each, to the revision petitioners.

4. Aggrieved, the respondent has filed Crl.R.C.No.1 of 2015 before the learned Principal Sessions Judge, Ramanathapuram. The learned Sessions Judge reduced the maintenance amount to Rs.1500/- each. The said reduction is being challenged by the revision petitioners herein.

5. According to the learned counsel for the revision petitioner, without giving proper opportunity, the learned Principal Sessions Judge has passed the order. Further, no ample evidence has been let in before the trial court, as to the financial capacity of the respondent. Without proper reason, suddenly the learned Principal Sessions Judge has reduced the maintenance amount. He further submitted that even now a single ~~pay~~ ^{pay} has been paid by the respondent towards the maintenance. Execution petition has been filed. It is coming up for enquiry



before the learned Judicial Magistrate, Muthukulathur.

6. On the other hand, the learned counsel for the respondent submitted that the first respondent is an erring woman. A criminal case also has been filed. She is not entitled to any maintenance.

7. I have anxiously considered the rival submissions, perused the impugned order and also the materials on record.

8. It is seen that the learned Principal Sessions Judge, Ramanathapuram passed the impugned order in the absence of the respondents, who are now the revision petitioners. The wife and son were not having proper adequate legal representation before the learned Principal Sessions Judge, Ramanathapuram. Further, the impugned order passed by the learned Principal Sessions Judge, Ramanathapuram does not refer to the money aspects and also the evidence let in. In the facts and circumstances, I am of the view that an opportunity should be given to the revision petitioners before the learned Principal Sessions Judge, Ramanathapuram.

9. In the circumstances, ordered as under:

(i) This revision petitions is allowed.

(ii) The impugned order passed in CrI.R.C.1 of 2015, by the learned Principal District Judge, Ramanathapuram, on 28.04.2015 is set aside.

(iii).The learned Principal Sessions Judge, Ramanathapuram will restore the said criminal revision case to his file.

(iv) Within one month from the date of receipt of a copy of this order, the said revision has to be disposed of by the learned Principal Sessions Judge, Ramanathapuram.

Sd/-

Assistant Registrar(AE)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Principal District Judge,
Ramanathapuram.

2.The Judicial Magistrate,
Muthukulathur.

+1cc to M/S.K.C.Ramalingam,Advocate, SR NO: 31604

+1cc to M/S.A.Uthayakumar,Advocate, SR NO: 31846

PJL

JA-DB-29.06.2016/2P:5C

CrI.R.C. (MD) No.22 of 2016
20.06.2016