

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM
Crl.R.C.Nos.51 & 52 of 2017

Ranjith Kumar

.. Petitioner/Respondent
in both petitions

vs.

Mallika

.. Respondent/Petitioner
in both petitions

Criminal Revisions filed under Sections 397 and 401 Cr.P.C. against the Order the Judicial Magistrate, Bhavani passed in C.M.P.No.3584 of 2016 in M.C.No.17 of 2015 and in C.M.P.No.4720 of 2016 in C.M.P.No.3584 of 2016 in M.C.No.17 of 2015 on 18.11.2016.

For Petitioner : Mr.S.Parthasarathy

For Respondent : No appearance

C O M M O N O R D E R

These revisions challenge the order of the Judicial Magistrate, Bhavani passed in C.M.P.No.3584 of 2016 in M.C.No.17 of 2015 and in C.M.P.No.4720 of 2016 in C.M.P.No.3584 of 2016 in M.C.No.17 of 2015 on 18.11.2016.

2. Heard Mr.S.Parthasarathy learned counsel for the petitioner.

3. Respondent has moved M.C.17 of 2015 on the file of Judicial Magistrate, Bhavani. The Magistrate directed payment of maintenance to her in a sum of Rs.5000/- per month. Informing non payment of maintenance, respondent moved C.M.P.No.3584 of 2016 seeking arrest of petitioner.

4. Petitioner submits that as he was unable to be present before the court below on 18.11.2016 owing to suffering from fever, a petition under section 317 Code of Criminal Procedure was moved on his behalf in C.M.P.No.4720 of 2016 and the same was dismissed. By Order of even date, in C.M.P.No.3584 of 2016, Court below had directed issue of distress warrant against him.

5. Learned counsel for petitioner submits that court below

erroneously failed to accept the petition under section 317 Code of Criminal Procedure Code and if afforded an opportunity, the petitioner would canvas his case on merits without protracting the proceedings.

6. Though respondent has been served, there is no appearance on her behalf.

7. Towards affording petitioner an opportunity to canvas his case on merits, petitioner is directed to appear before Court below on 26.05.2017. He shall on such date file counter to C.M.P.No.3584 of 2016. Court below shall deal with the matter on merits and dispose of the same within a period of one month from the date of receipt of a copy of this Order.

8. With the above direction, the Criminal Revisions are disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Judicial Magistrate,
Bhavani.

2.-do- Thro'The Chief Judicial Magistrate,
Erode.

+1cc to Mr.Parthasarathy, Advocate, S.R.No.9760

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RSI (CO)
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