

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twentieth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice M.S. RAMESH

CRIMINAL MISCELLANEOUS PETITION No.11849 of 2017

IN CRL OP.26025/2015

1 B.SARAVANAKUMAR
2 B.T.BALAN
3 KALAVATHI

[PETITIONERS]

Vs

1 STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RANIPET, VELLORE DISTRICT.

[RESPONDENTS]

2 P.SINDHUJA

Petition praying that in the circumstances stated therein the High Court will be pleased to modify the conditional order passed by this Honble Court on 29.10.2015 in Crl.M.P.No.1 of 2015 in Crl.O.P.No.26025 of 2015 directing the petitioner to deposit Rs.10,000/- per month to the account of STC No.417 of 2012 on the file of the learned District Munsif-cum-Judicial Magistrate, Arcot and pass such further or other orders.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.K.SANTHAKUMARI, Advocate for the petitioner and of M/S P.GOVINDARAJAN, ADDITIONAL PUBLIC PROSECUTOR(R-1) and of M/S P.SINDHUJA, PARTY IN PERSON (R-2) on behalf of the Respondents the court made the following order:-

Heard the learned counsel for the petitioner and the second respondent/defacto complainant/wife who personally appeared before this Court today.

2.By an order dated 29.10.2015 made in Crl.M.P.No.1 of 2015 in Crl.O.P.No.26025 of 2015, this Court had directed the first petitioner herein to pay a sum of Rs.10,000/- per month by depositing it to the credit of STC.No.417 of 2012 on the file of the learned District Munsif-cum-Judicial Magistrate, Arcot on or before 5th day of every English Calendar month as ex-gratio maintenance. The second respondent who is present in Court affirms that the said sum of Rs.10,000/- is being regularly paid by the petitioner till date. In the meantime, the learned Subordinate Judge, Vellore had passed an order dated 06.07.2016 passed in I.A.No.57 of 2014 in HMOP.No.54 of 2013, directing the first petitioner herein to pay a sum of

Rs.10,000/- as interim maintenance from the date of filing of the interim application and another sum of Rs.10,000/- towards litigation expenses.

3.The said application for interim maintenance was filed on 24.07.2014. As per the order of the learned Sub-ordinate Judge, Vellore, the first petitioner/husband herein is bound to pay the arrears of interim maintenance of Rs.10,000/- from 24.07.2014 till October 2015, since the petitioner has been paying a sum of Rs.10,000/- from October 2015 onwards to the respondent. In view of the subsequent order passed by the learned Subordinate Judge, Vellore in I.A.No.57 of 2014, the order passed by this Court in Crl.O.P.No.26025 of 2015 requires modification.

4. Under such circumstances, the earlier order of this Court made in Crl.O.P.No.26025 of 2015 dated 29.10.2015 is modified to the effect that the first petitioner need not pay the ex-gratio amount of Rs.10,000/- in lieu of the sum of Rs.10,000/- being paid by him towards interim maintenance as per the order passed by the learned Subordinate Judge, Vellore in I.A.No.57 of 2014 dated 06.07.2016.

5.It is made clear that the difference in arrears of interim maintenance for the period commencing from 24.07.2014 to 30.10.2015 ordered by the learned Subordinate Judge, Vellore shall be paid within a period of two weeks from the date of receipt of a copy of this order.

6.The present petition is modified in the above terms.

-sd/-

20/09/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, ARCOT,
VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RANIPET, VELLORE DISTRICT.

5 THE SUBORDINATE JUDGE,
VELLORE.

C.C. to M/S.K.SANTHAKUMARI Advocate on payment of necessary
charges Sr.18219

Order

in
CRL MP.11849/2017

in
CRL OP.26025/2015

Date :20/09/2017

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rvr 04/10/2017