

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Thirteenth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice M.S. RAMESH

CRIMINAL MISCELLANEOUS PETITION No.13838 of 2017

IN CRL OP.13948/2017

S.TAMILSELVAN

[PETITIONER]

Vs

1 MEERA DEVI

[RESPONDENT]

2 MINOR SAIRAJESH

S/O.TAMILSELVAN,

MINOR REP.BY HIS MOTHER MEERA DEVI

(BOTH ARE RESIDING AT NO.10/3,

THENDALKARAN STREET, KURAINADU,

MAYILADUTHURAI).

Petition praying that in the circumstances stated therein the High Court will be pleased to permit the petitioner to deposit the sum of Rs.1,22,500/- to the credit of the M.C.No.10/2013 on the file of the Court of the Judicial Magistrate No.I, Mayiladuthurai.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of MR. T. SAIKRISHNAN FOR M/S.SAI BHARATH AND ILAN, Advocate for the petitioner and of MR. VEERASEKARAN, on behalf of the Respondent the court made the following order:-

Today the matter is listed under the caption 'To permit the petitioner' at the instance of the learned counsel for the petitioner.

2. The petitioner has filed this Miscellaneous Petition seeking for permission to deposit a sum of Rs.1,22,500/- to comply the earlier order of this Court dated 21.07.2017 made in Crl.OP. No. 13948 of 2017 in Crl.MP. No.8933 of 2017.

3. As per the said order, 50% of the arrears of maintenance was directed to be deposited. The total arrears according to the learned counsel for the petitioner is disputed by the learned

counsel for the respondent/wife. The question of permitting the petitioner to deposit will not arise unless or until, the dispute with regard to quantum is determined. The part payment was already made before the Trial Court and this Court by exercising the powers under Section 482 of Cr.P.C, cannot adjudicate the quantum.

4.Hence, both the parties are granted liberty to approach the Trial Court, seeking for determination of the total amount of arrears. Such determination shall be completed within a period of two weeks from the date of receipt of a copy of this Order.

5. The Criminal Miscellaneous Petition is disposed of on the above terms.

-sd/-
13/11/2017

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 JUDICIAL MAGISTRATE
NO.I, MAYILADUTHURAI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM (FOR INFORMATION)

+1 C.C. to M/S.SAI BHARATH AND ILAN Advocate on payment of necessary charges 20849

+2 C.C. to MR. D. VEERASEKARAN Advocate on payment of necessary charges 20851 & 20850

Order
in
CRL MP.13838/2017
in
CRL OP.13948/2017
Date :13/11/2017

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MD: 14/11/2017