

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2017

Coram

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl. Revision Case No.1654 of 2016
and

Crl.M.P.No.13711 of 2016

M. Jalalludeen Petitioner/Appellant

//vs//

Mrs.Jahira Banu Respondent/complainant

Prayer: Criminal Revision Petition filed under Section 397 read with 401 of the Code of Criminal Procedure praying to call for the records in Crl.M.P.No.519 of 2016 in C.A.No.209 of 2014 on the file of the XV Additional Sessions Judge at Chennai by its order dated 15.12.2016 and set aside the order.

For Petitioner : Mr.J.C.Durairaj

For Respondent : Mr.A.Kumaraguru

ORDER

The present revision has been filed against the order passed by the court below dismissing the petitioner's application filed under Section 391 Cr.P.C to mark additional evidence and also another application under Section 311 Cr.P.C.

2. The petitioner is the respondent in a complaint filed by the respondent under Domestic Violence Act in M.C.No.72 of 2012 on the file of the XXIII Metropolitan Magistrate, Saidapet, Chennai. Earlier, the trial Court by an order dated 16.07.2014, directed the petitioner/husband to pay a sum of Rs.50,000/- per month to the respondent/wife. Challenging the same, the petitioner/husband filed an appeal in C.A.No.209 of 2014 on the file of the XV Additional Sessions Court, Chennai. Pending appeal, the petitioner wants to file some additional documents, namely, medical certificate relating to the treatment taken by the petitioner, and the undertaking given by the petitioner to perform the marriage of his elder son and also his income tax returns. The lower appellate Court

dismissed the application. Challenging the same, the present revision has been filed.

3. Earlier, when the matter was taken up for hearing, the petitioner was directed to pay the entire arrears of maintenance. Today, the learned counsel appearing for the petitioner brought two Demand Drafts for a total sum of Rs.5,40,000/- and the said Demand Draft was also handed over to the learned counsel appearing for the respondent/wife.

4. Taking into consideration of the fact that the petitioner wants to prove his defence wants to mark some documents, and in order to give him an opportunity, the impugned order passed by the lower appellate Court is set aside and the lower appellate court is directed to permit the petitioner to mark all the documents after recalling DW1. Since the appeal is pending for quite a long time, the lower appellate court is directed to recall DW1 on 07.06.2017 and permit him to mark the documents and also give an opportunity to the respondent/wife for cross examination of D.W.1 and after completion of the enquiry, the lower appellate Court is directed to dispose the appeal within a period of two months thereafter.

5. With the above observations and directions, the Criminal Revision Case is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The XV Additional Sessions Judge,
City Civil Court, Chennai.

2. The XXIII Metropolitan Magistrate,
Saidapet, Chennai.

+1cc to Mr.J.C.Dorairaj, Advocate Sr.24931

+1cc to Mr.A.Kumaraguru, Advocate Sr.24898

CrI.R.C.No.1654 of 2016
and

CrI.M.P.No.13711 of 2016

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