



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2017

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl MP(MD)No.4788 of 2017

in

Crl RC(MD)SR No.4977 of 2017

Raja Kumar

... Petitioner

Vs.

1.Lathika

2.Akash

3.Abith

... Respondents

Petition filed under Section 5 of the Limitation Act praying to condone the delay of 252 days in preferring the Revision before this Court.

For Petitioner : Mr.A.Mohan

For Respondents : Mr.A.Thiruvadikumar

O R D E R

This petition has been filed praying to condone the delay of 252 days in filing the revision.

2.The petitioner is the husband. Earlier, the first respondent, his wife and respondents 2 and 3, their children, as petitioners have filed a petition under Section 125 Cr.P.C., seeking maintenance from the respondent therein. The Court below has allowed the petition and directed this petitioner to pay Rs.4,000/- to the first respondent and Rs.3,000/- each to the respondents 2 and 3 per month. The above order has been challenged by the petitioner in Crl.R.P.No.1559 of 2015 before the District and Sessions Court, Kanyakumari at Nagercoil and the same is pending. In the meantime, since the petitioner did not pay the arrears of maintenance, the respondents have filed an application under Section 125(3) Cr.P.C. to attach the salary of the petitioner and the Court below has also allowed the petition and ordered to attach a sum of Rs.11,500/- from the salary of the petitioner. Challenging the above order, the petitioner has filed a Criminal Revision Case. Since the revision has been filed with a delay of 252 days, the petitioner has filed the present petition to condone the delay.

3.I have heard Mr.A.Mohan, learned counsel appearing for the petitioner and Mr.A.Thiruvadikumar, learned counsel appearing for the respondents and carefully gone through the affidavit filed in support of the condone delay petition.



4.The only reason assigned by the petitioner is that he is working as a Head Constable in C.R.P.F. at Uttar Pradesh and hence he was not able come in person and apply for getting copy of the order to file revision before this Court. The above reason is not convincing. Even assuming that the petitioner is working at Uttar Pradesh, as he has already engaged a counsel, it is for the counsel to get the papers or order copy from the Court below. Therefore, I am not satisfied with the reason stated by the petitioner to condone the delay.

5.In fine, this petition is dismissed. Consequently, Crl RC (MD) SR No.4977 of 2017 is rejected.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

MJ

VB/KP/SAR2/18/09/2017/2P/1C

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