



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twenty Second day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL MP (MD) No.6150 of 2017

IN

CRL RC (MD) No.SR15221 of 2017

L.RAMESH KUMAR

... PETITIONER / PETITIONER /
APPELLANT / RESPONDENT

Vs

1 K.JEYANTHI
2 MINOR PAVITHRA
D/O RAMESH KUMAR

3 MINOR.SHIVANI
D/O RAMESH KUMAR
(THE 1ST RESPONDENT IS THE MOTHER
& NATURAL GUARDIAN OF THE 2ND
& 3RD RESPONDENTS)

... RESPONDENTS / RESPONDENTS
RESPONDENTS / COMPLAINANT

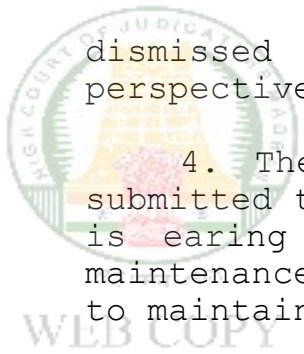
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to condone the delay of 239 days in filing the above criminal revision petition as against order passed by the Learned Judicial Magistrate No.V, Madurai made in Crl.M.P.No.1 of 2011 dated 04.10.2013 as partly confirmed by the Learned I Additional District and Session Judge of Tirunelveli made in C.A.No.47 of 2013 dated 19.07.2016

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.D.SELVAM, Advocate for the petitioner and MR.K.VIDYA, Advocate for the 1st Respondent, the court made the following order:-

This petition has been field under section 5 of the Limitation Act, praying to condone the delay of 239 days in preferring CRL RC (MD)SR.No.15221 of 2017 on the file of this Court.

2. Heard Mr.D.Selvam, learned counsel appearing for the petitioner and Ms.K.Vidya, learned counsel appearing for the respondents.

3. The learned counsel appearing for the petitioner submitted that against the exparte order of maintenance, the petitioner filed an appeal in C.A.No.47 of 2013 and the lower appellate court



dismissed the same, without considering the case in proper perspective.

4. The learned counsel appearing for the petitioner further submitted that the first respondent wife is already employed and she is earning sufficiently and hence, she is not entitled for any maintenance. Apart from that, the petitioner has no legal obligation to maintain her.

5. Since the petitioner is working in Gujarat as Havildhar in the Indian Army and he only contacted his counsel in the month of January 2017, and he was delivered with a copy of the judgment on 09.02.2017. Thereafter, due to the missing of certified copy, he could not file the revision in time. Only after getting another certified copy of the impugned order, he has filed this revision.

6. Considering the facts and circumstances of the case and being satisfied with the reason stated in affidavit filed in support of this petition, I am inclined to condone the delay on condition that the petitioner deposits a sum of Rs.2,00,000/- (Rupees two lakhs only) on the file of the learned Judicial Magistrate No.5, Madurai, within a period of 8 weeks from the date of receipt of a copy of this order.

7. The Registry is directed to number this Revision, if it is otherwise in order and also directed to post the same for admission on 04.10.2017.

sd/-
22/09/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.V
MADURAI
- 2 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE, TIRUNELVELI
- 3 THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

ORDER
IN
CRL MP (MD) No.6150 of 2017
IN
CRL RC (MD) No.SR15221 of 2017
Date :22/09/2017