



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2017

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

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Crl.O.P.(MD) No.16712 of 2016
and Crl.M.P.(MD) No.8259 of 2016

M.Sekar @ Thulasiraman

... Petitioner/Petitioner/Respondent

-vs-

Sudha

... Respondent/Respondent/Petitioner

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records of the impugned revision order passed by the learned Principal Sessions Judge, Ramnad in Cr.R.P.No.20 of 2015 dated 16.06.2016 and set aside the same.

For Petitioner

: Mr.M.Kannan

For R1

: Mr.A.R.Kannappan

O R D E R

This petition has been filed seeking to call for the records of the impugned revision order passed by the learned Principal Sessions Judge, Ramnad in Cr.R.P.No.20 of 2015 dated 16.06.2016 and set aside the same.

2. For the sake of convenience, the parties will be referred to by their name.

3. Sekar / the petitioner herein got married to Sudha on 06.12.2016 and their marriage ran into rough weather, resulting in the couple getting estranged. Sudha filed M.C.No.5 of 2012 before the learned District Munsif-cum-Judicial Magistrate, Rameswaram under Section 125 Cr.P.C. for maintenance against Sekar, in which, learned Magistrate by the order dated 27.02.2014 directed Sekar to pay maintenance of Rs.5,000/- per month from the date of petition. Though Sekar appeared before the Trial Court and engaged an Advocate by name R.Jothi Murugan, he did not file counter in M.C.No.5 of 2012. However, on the evidence adduced by Sudha, learned District Munsif-cum-Judicial Magistrate, Rameswaram passed final orders as afore-stated. Aggrieved by the order, Sekar filed Crl.R.C.No.20 of 2015 before the Sessions Court, Ramanathapuram, which was disposed of on 16.06.2016 by holding as under:

"9. In the result, the order of the District Munsif-cum-Judicial Magistrate, Rameswaram in M.C.No.5/2012 dated 27.2.2014 is set aside and the revision petitioner/respondent has to pay a sum of Rs.1,00,000/- towards interim maintenance to the



respondent petitioner within one month from the date of this order and then the learned D.M.-cum-J.M., Rameswaram is to proceed with the case M.C.No.5/2012 and to dispose the same on merits within a period of 6 months."

Aggrieved by the order dated 16.06.2016, Sekar is before this Court.

4. Heard the learned counsel for Sekar and the learned counsel for Sudha.

5. In the considered opinion of this Court, this petition under Section 482 Cr.P.C. is not maintainable in the light of Section 397(3) Cr.P.C. Of course, in a given case, the inherent jurisdiction of this Court can be invoked, if it is shown that the orders passed by Courts below are perverse on the face of it and opposed to law. In this case, the Sessions Court set aside the order of the Trial Court with a direction to Sekar to pay Rs.1,00,000/- towards interim maintenance as a penalty for his supine indifference in not filing the counter, which is obvious that Sekar has been making Sudha to run from pillar to post and therefore, he deserves no indulgence at the hands of this Court.

6. It is seen that though the Sessions Court passed orders on 16.06.2016, till April, 2017, Sekar has not bothered to comply with the order. Therefore, four weeks' time is given from the date of receipt of a copy of this order to Sekar to deposit Rs.1,00,000/- (Rupees One Lakh only) as directed by the Sessions Court in Crl.R.C.No.20 of 2015 dated 16.06.2016, failing which, the order passed by the Trial Court in M.C.No.5 of 2012 dated 27.02.2014 will stand restored and Sudha will be entitled to take appropriate action to enforce the order under Section 128 Cr.P.C.

7. With the above observation and direction, this petition is dismissed. Consequently, connected miscellaneous petition is closed.

SD

ASST REGISTRAR (AS)

TRUE COPY

SUB ASST REGISTRAR

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To:

1. The Principal Sessions Judge, Ramanathapuram.
2. The District Munsif-cum- Judicial Magistrate, Rameswaram.

1CC TO MR. A.R.KANNAPPAN, ADVOCATE SR: 53075

1CC TO MR. M. KANNAN, ADVOCATE SR: 53326

JM/SKN RSK/SAR 2/24.04.2017/2P/5C