



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL RC(MD)No.893 of 2017

and

CRL MP(MD)No.10912 of 2017

Yacopoul @ Ganesan

... Petitioner

Vs.

1.Minor Arun Ajai

(1st respondent rep.by

2nd respondent)

2.Albin

(2nd respondent is the

Guardian of the 1st respondent)

... Respondents

Prayer: Criminal Revision Case is filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside the order passed in Crl.MP.No.895 of 2017 in MC.No.24 of 2010 dated 10.11.2017 on the file of the Chief Judicial Magistrate Court Nagercoil.

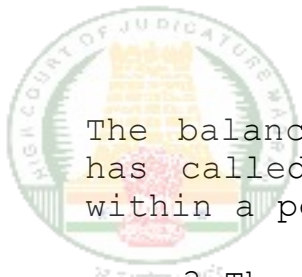
For Petitioner

: Mr.N.S.Ramakrishna Dass

O R D E R

The revision petitioner is the father of the first respondent. The first respondent had earlier filed MC.No.24 of 2010 on the file of the Chief Judicial Magistrate Court at Nagercoil. The revision petitioner herein has been directed to pay a sum of Rs.2,500 per month. Since the revision petitioner appears to have committed default, CRL.MP.No.895 of 2017 was filed for executing the said order. The learned Chief Judicial Magistrate has directed the revision petitioner to pay the balance amount of Rs.75,000/- within 10 days. Challenging the same, this appeal has been filed.

2.The learned counsel appearing for the revision petitioner would contend that he had already paid a sum of Rs.1,40,000/- to the minor child. But, no proof was filed for having made the said payment. When the revision petitioner is not able to furnish any proof, this Court has to necessarily come to the conclusion that the said payment was not made. The Trial Court has given due credit to the sum of Rs.15,000/- that was already paid by him.



The balance amount is admittedly Rs.75,000/-. The Court below has called upon the revision petitioner to pay the said amount within a period of 15 days.

3. The learned counsel appearing for the revision petitioner submits that it would cause undue hardship to the revision petitioner. He wants extension of time. I find force in the said submission. I therefore extend the time for payment of the said sum of Rs.75,000/- from 15 days to four months.

4. Except granting of this extension of time, in all other aspects, the order passed by the Trial Court is confirmed. This Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

The Chief Judicial Magistrate, Nagercoil.

COPY TO:

The Section Officer,
Criminal Records Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.N.S.Ramakrishna Dass, Advocate SR.No. 90274

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skm

JM/SV MMS/SAR 2/23.01.2018/2P/5C