

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2018

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.924 of 2013

and

M.P.No.1 of 2013

P.Senthilkumar

...Petitioner/1st Appellant / respondent

Vs

Sangeetha @ Kavitha

...Respondent/ respondent/ Petitioner

PRAYER: Criminal Revision filed under Section 397 and 401 of Criminal Procedure Code, to set aside the impugned order in Crl.A.No.1 of 2013 dated 06.06.2013 on the file of the II Additional District Judge, Chidambaram, modified against Crl.M.P.No.2052/12, JM I, Chidambaram.

For Petitioner : Mr.A.Arasu Ganesan
For Respondent : Mr.S.Saravana Kumar

O R D E R

The respondent filed a complaint against the revision petitioner under Domestic Violence Act, after completing the formalities, the trial Court passed an order fixing the compensation of Rs.50,000/- payable by the respondent 1 and Rs.20,000/- payable by R2, 3, 5, 6 & 8 therein.

2.Agrieved against the order, the respondents filed an appeal before the Additional District Judge, Chidambaram in Crl.A.No.1/2013. After considering the materials, modified the award from Rs.50,000/- to Rs.30,000/- after deducting a sum of Rs.5,000/- which was already paid and directed to pay the balance amount within 15 days there from.

3.Against which husband has filed the present revision before this Court.

4.Heard the learned counsel for the petitioner as well as learned counsel for the respondent and perused the records.

5.The learned counsel for the petitioner would submit that the respondent/wife is working as a teacher whereas, revision petitioner is coolie, he is unable to pay the huge amount and he is jobless. Both the Courts below failed to consider this aspect and ordered to pay the compensation which warrants interference of this Court.

6.The learned counsel for the respondent would submit that the revision petitioner had gone to foreign country and now leading a sophisticated lifestyle.

7.On a perusal of the entire records, there is no perversity in the order passed by the Courts below. With regard to the quantum of fine amount is concerned, the respondent/wife is working women and she was deserted by her husband and living separately.

8.Under these circumstances, this Court is inclined to reduce the quantum of compensation from Rs.30,000/- to Rs.15,000/- the same shall be paid to the respondent within a period of four weeks from the date of receipt of a copy of this order. Without any influence of the observation made by this Court, the Magistrate is directed to dispose of the CrI.M.P.No.2052/2012 in accordance with law.

9.Accordingly, the criminal revision is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

AT

To

1.The II Additional District Judge,Chidambaram.

+1cc to Mr.A.Arasu Ganesan , Advocate SR.No. 65989

+1cc to Mr.S.Saravana kumar , Advocate SR.No. 66426

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A.SK(28/08/2019)