

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2018

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

Criminal Revision Case No.1821 of 2011
and
M.P. No. 1 of 2011

Syed Usman

... Petitioner

..Vs..

Nasreen Banu

... Respondent

PRAYER: Criminal Revision Petition filed under Section 397 read with 401 of the Criminal Procedure Code, to set aside the order dated 16.12.2011 and made in M.P. No.399 of 2007 in M.C. No.446 of 2004 on the file of II Additional Principal Judge, Family Court, Chennai.

For Petitioner : Mr. K.M.Mohamed Rafi
for Mr.N.A.Nissar Ahmed

For Respondent : Mr. M.D.Ashtaq Rafi

O R D E R

Mr.K.M.Mohamed Rafi, representing the counsel on record would state that they have returned back the bundle to the client long back. The name of the petitioner has also been printed in the cause list.

2.The Revision Petition has been filed against an order of arrest made in M.P. No.399 of 2007 in M.C. No. 446 of 2004, which was filed by the respondent/wife to execute an order of maintenance amount which was due as on the date of filing of the petition in the year 2004, for nearly 32 months.

3.The Court below, on consideration of the facts and circumstances of the case was pleased to order arrest of the petitioner. Aggrieved by the same, the petitioner/husband has filed this Criminal Revision Petition.

4.At the time of admission of the Criminal Revision, this Court passed an order of interim stay on condition that the petitioner deposits a sum of Rs.40,000/- (Rupees Forty Thousand

only) within a period of eight weeks. The learned counsel for the respondent/wife informs this Court that the petitioner has complied with the above said order and she has also withdrawn the above said amount. The learned counsel for the respondent informs that subsequently, the petitioner has not been regular in payment of maintenance and by virtue of the order of interim stay, the respondent/wife is not in a position to enforce the order of maintenance.

5.Sufficient opportunities have been given to the petitioner, despite which, the petitioner has not chosen to engage any Advocate in order to be present before this Court to argue the Criminal Revision Petition.

6.This Court does not find any reason to interfere with the order passed by the Court below and the Criminal Revision stands dismissed. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rkp
To

The II Additional Principal Judge,
Family Court, Chennai.

+1cc to Mr.Md.Ashtaq Rafi, Advocate Sr.36204

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