

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.923 of 2013 and

M.P.No.1 of 2013

R.Sreekrishnan Rajan

...Petitioner

Vs.

1. T.S.Rajalakshmi @ Jayalakshmi

2. The Inspector of Police,
B.11, Saibaba Colony Police Station,
Coimbatore. (Crime.No.1208/2010)

3. Kuppammal

...Respondents

Prayer: This Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure against the order dated 16.04.2013 made in Criminal Miscellaneous Petition No.1409 of 2013 by the learned Judicial Magistrate VII, Coimbatore.

For Petitioner: Mr.C.S.Dhanasekaran

For Respondent: Mr.R.Ravichandran,

Govt. Advocate (Crl.Side) for R2

Mr.G.Prabhakaran for R3

O R D E R

The petitioner is husband and 1st respondent is wife. The 1st respondent/wife had been charged under Section 302 IPC due to death of her own two children caused by her, because of her mental illness and when she was in custody of the police, the petitioner/husband had filed an affidavit of undertaking to take care of her and recording the same she was released on bail. The petitioner/husband filed a petition in O.P.No.4707 of 2012 for divorce on the ground of mental illness. The petitioner has filed a petition in Criminal Miscellaneous Petition No.1409 of 2013 under Section 330 of Cr.P.C. before the learned Judicial Magistrate VII, Coimbatore, seeking to withdraw the undertaking filed by him for the release of accused/wife. The learned Magistrate, after hearing both sides, had dismissed the petition by order dated 16.04.2013, against which, the husband has preferred the present criminal revision before this Court.

2 When the matter is taken up for hearing, the learned counsel appearing for 3rd respondent/mother would submit that the 3rd respondent is ready to take care of her mentally ailed daughter and she has appeared in person and filed an affidavit of undertaking dated 03.09.2018 to that effect.

3 The learned counsel appearing for the petitioner would submit that decree of divorce has been granted by the Court below by order dated 20.09.2013 and 3rd respondent/mother is also ready to take care of her daughter. Hence the petitioner may be relieved from taking care of the mentally ailed 1st respondent/wife and the affidavit of undertaking filed by the petitioner may be cancelled.

4 This Court being satisfied with the affidavit of undertaking, has inclined to allow this revision. Accordingly the order dated 16.04.2013 made in Criminal Miscellaneous Petition No.1409 of 2013 by the learned Judicial Magistrate VII, Coimbatore, is hereby set aside and the petitioner is relieved from the affidavit of undertaking filed before the Court below. Further, 3rd respondent, who is the mother of the 1st respondent/wife, is directed to take care of her mentally ailed daughter.

5 With the above observations and directions, the criminal revision is disposed of and consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate VII, Coimbatore.
2. The Public Prosecutor,
High Court of Madras.

+2cc to M/s.C.Uma, Advocate SR.NO.60491

+1cc to Mr.G.Prabhakaran, Advocate SR.NO.60794

GP(CO)

sm:25.9.2018

Cr1.R.C.No.923 of 2013 and
M.P.No.1 of 2013

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