

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2018

Coram

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

Crl.R.C.No.773 of 2017

S.Selvakumar

... Petitioner/First Respondent

vs

K.Kokila Devi

... Respondent/Appellant

Prayer : Criminal Revision Petition filed under Section 397 r/w 401 of Code of Criminal Procedure, against the Judgment made in Crl.A.No.67 of 2015 dated 28.11.2016 by the learned Magalir Needhi Mandram, Udhagamandalam, which was filed against the Judgment in C.C.No.4 of 2014 dated 20.11.2015 by the learned Judicial Magistrate Court, Gudalur.

For Petitioner : Mr.S.Elambharathi

For Respondent : Mr.MA.P.Thangavel

ORDER

This criminal revision is preferred by the petitioner/1st respondent against the judgment made in Crl.A.No.67 of 2015 dated 28.11.2016 passed by the learned Magalir Needhi Mandram, Udhagamandalam, which was filed against the judgment in C.C.No.4 of 2014 dated 20.11.2015 by the learned Judicial Magistrate Court, Gudalur.

2.Brief case of the petitioner /1st respondent

The case of the petitioner is that he married the respondent on 6.2.2012 and after marriage, both are living together in the petitioner's house and no issues were born out of their wedlock. At the time of marriage 11 sovereign gold jewels and Rs.1,00,000/- as dowry to the petitioner. Further the petitioner and his family members demanded more dowry from the respondent and harassed the respondent for which she gave a

complaint against the petitioner before All Women Police Station on 13.08.2012 and they were advised to live separately. The respondent family members assaulted the petitioner for his refusal to live in father in law house, inturn the petitioner gave complaint against respondent and his family members before Gudalur Police Station. The petitioner was admitted in the hospital, the respondent vacated the rented house and taken all the things including petitioner's things. The Ooty protection officer advised both to live together. The petitioner refused to live with the respondent. The respondent had initiated maintenance proceedings against the petitioner under section 12 (1) of Protection of Women from Domestic Violence Act 2005 in M.C.No.4 of 2014.

3.During the trial, the petitioner examined herself as PWS1 to 3 and exhibits P1 to 11 were marked. The respondent examined himself as DW1 and exhibits D1 and 2 were marked.

4.On completion of trial, the Learned Judicial Magistrate directed the petitioner to pay maintenance of Rs.2,500/- and Rs.25,000/- as compensation and damages and also directed to return one sovereign of gold chain.

5.Aggrieved over the same, the appellant, wife of the petitioner preferred appeal in CrI.A.No.67 of 2015 and the learned lower appellate Court after hearing the parties modified the order and directed the petitioner to return the 11 sovereigns of gold and extended the damages to the tune of Rs.1 Lakh and confirm the judgment of the trial Court with regard to the monthly maintenance of Rs.2,500/-

6.Aggrieved over the same, the petitioner/1st respondent filed this criminal revision.

7.I heard Mr.S.Elambharathi, learned counsel for the petitioner and Mr.MA.P.Thangavel, learned counsel for the respondent and perused the entire materials available on record.

8.The learned counsel for the petitioner submits that the learned judge erred in direction to the petitioner to give 11 sovereign gold jewels to the respondent and ought not to have relied upon the Exhibit A9 filed by the respondent ignoring Exhibit B2.

9.The learned counsel for the petitioner submits that the learned judge ought not to have confirmed the order of the Learned Magistrate to give Rs.2,500/- as monthly maintenance to the respondent and ought not to have reversed the order of the learned magistrate to give Rs.1,00,000/ as compensation for mental agony.

10.The learned counsel for the petitioner submits that the learned judge failed to see that the respondent has not substantiated the fact that the respondent had given 11 Sovereigns of Gold jewels to the petitioner.

11.The learned counsel for the petitioner submits the following citation for support of his submissions.

(2014) 3 SCC 712

12.The learned counsel for the respondent vehemently opposed the submissions made on behalf of the petitioner and supported the findings of the Courts below.

13.I have given my careful consideration to the respective submission made by the learned counsel for the parties.

14.I do not find any infirmity warranting interference in the orders passed by the Courts below.

15.In the result, this Criminal Revision Case is dismissed by confirming the order passed in M.C.No.4 of 2014, dated 20.11.2015 on the file of the learned Judicial Magistrate, Gudalur.

Sd/-

Assistant Registrar (CO)

//True copy//

Sub Assistant Registrar

vs

To

1.The Magalir Needhi Mandram, Udhagamandalam.

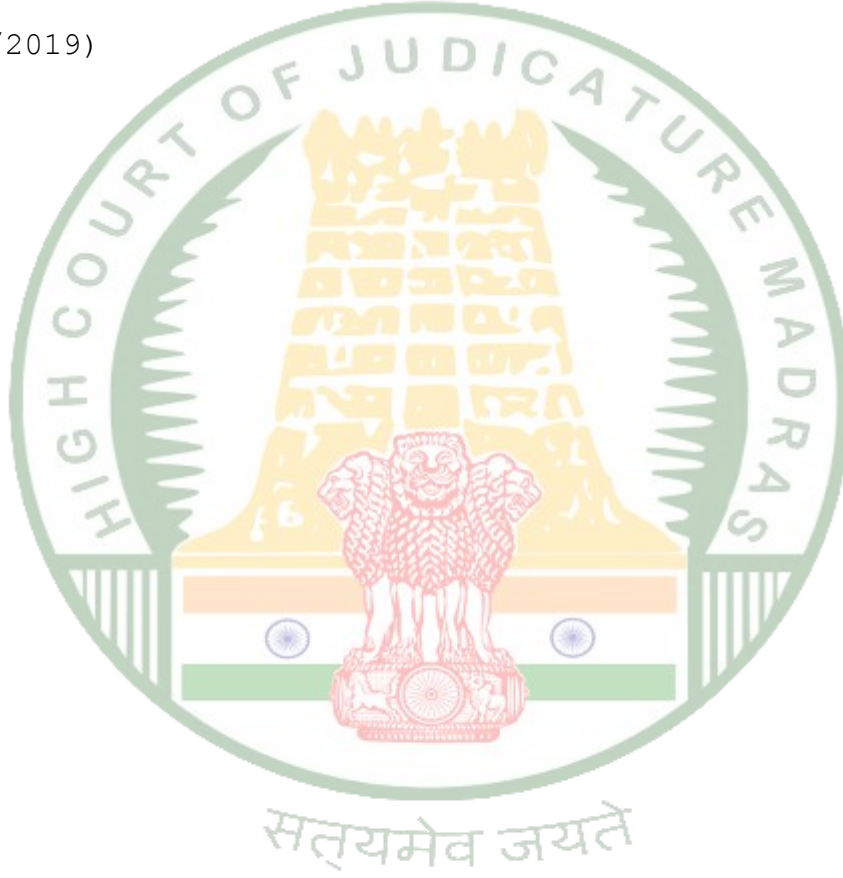
2.The Judicial Magistrate, Gudalur.

+1cc to Mr.S.Elambharthi, Advocate SR.No.69493

+1cc to Mr.MA.P.Thangavel, Advocate SR.No.69396

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SR(CO)
GMY(05/03/2019)



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