



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.1112 of 2018

&

Crl.M.P.No.13014 of 2018

A.Mohammed Abbassali

... Petitioner

Vs.

1.Nasim Banu

2.M.Haya

3.M.Haniq

... Respondents

Prayer:

Criminal Revision Case filed under Sections 397 r/w 401 of the Criminal Procedure Code seeking to call for the records of the order dated 27.08.2018 made in C.M.P.No.5099 of 2017 in M.C.No.7 of 2016 on the file of the learned Judicial Magistrate No.II, Pollachi and set aside the same.

For Petitioner : Mr.A.Saranraj

O R D E R

This criminal revision has been filed seeking to call for the records of the order dated 27.08.2018 made in C.M.P.No.5099 of 2017 in M.C.No.7 of 2016 on the file of the learned Judicial Magistrate No.II, Pollachi and set aside the same.

2.Though notice has been served on the respondents, no one appeared on behalf of the respondents either in person or through their counsel. The petitioner is the husband of the 1st respondent/wife. The 1st respondent filed a maintenance application claiming maintenance for her and the minor children. The lower Court ordered interim maintenance to a sum of Rs.30,000/-. Aggrieved by the interim maintenance awarded by the lower Court, the revision petitioner filed the present revision petition before this Court.

3.It is brought to the notice of this Court that on an earlier occasion i.e., on 28.09.2018, this Court, while entertaining the revision petition, had granted an order of interim stay on condition that the petitioner shall deposit 50% of the entire amount, as ordered by the learned Judicial Magistrate II, Pollachi, Coimbatore District, to the respondents



towards arrears of maintenance to the credit of M.C.No.7 of 2016 on or before 11.10.2018 and on further condition that the petitioner shall continue to pay a sum of Rs.20,000/- as maintenance on or before 5th day of every English Calendar month. Pursuant to the same, the said condition has been complied with and a memo has been filed to that effect.

4.The learned counsel for the petitioner would submit that this revision petition is against the interim maintenance, this Court imposed a condition to deposit 50% of the entire amount and directed the petitioner to pay a sum of Rs.20,000/- instead of Rs.30,000/-. However, the main case is pending before this lower Court, this Court may direct the lower Court to dispose of the case in M.C.No.7 of 2013 pending on the file of the learned Judicial Magistrate No.II, Pollachi, without prejudice, within a stipulated time fixed by this Court.

5.Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the case, directs the learned Judicial Magistrate II, Pollachi, to dispose of the case in M.C.No.7 of 2016, within a period of three months from the date of receipt of a copy of this order. It is made clear that the petitioner shall continue to pay a sum of Rs.20,000/- on or before 5th of every English Calendar month till the disposal of the Maintenance Case.

6. With the above direction, this Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

kal
To

1.The Judicial Magistrate No.II, Pollachi
2.ThePublic Prosecutor,
High Court of Madras, Chennai.

Copy to: The Section Officer,
Criminal Records Section,
High Court, Madras.

+ 1 cc to MR. A. Saranraj, Advocate Sr.72649

Crl.R.C.No.1112 of 2018 &
Crl.M.P.No.13014 of 2018

SVN(CO)
EU(03/12/2018)