



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2018

CORAM:

WEB COPY

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

CrI.R.C(MD)No.578 of 2018

Murugan : Petitioner/ Petitioner/
Respondent

Vs.

Selvalakshmi : Respondent/Respondent/
Petitioner

PRAYER: Revision filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for records relating to the order passed by the learned Judicial Magistrate, Vallioor in unnumbered Cr.M.P.No.--- of 2018 in D.V.O.P.No.8 of 2016 on 30.07.2018 and set aside the same.

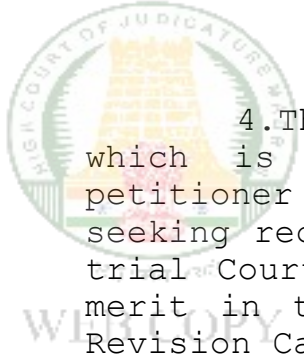
For Petitioner : Mr.T.A.Ebenezer

ORDER

This criminal revision case is filed against the order dated 30.07.2018 in unnumbered Cr.M.P.No..... of 2018 in D.V.O.P.No.8 of 2016 on the file of the learned Judicial Magistrate, Vallioor.

2.The revision petitioner herein is the respondent in D.V.O.P.No.8 of 2016 wherein his wife has filed an application for maintenance. The Court below has awarded maintenance of Rs.12,000/- per month payable to the respondent/wife. But the revision petitioner herein has failed to pay the interim maintenance as fixed by the Court and also failed to appear before the Court, when the case was posted. Hence, the trial Court issued Non-bailable Warrant on 20.07.2018. Thereafter, the revision petitioner herein has filed an application for recall of the warrant.

3.The trial Court after considering the nature of the case, non-compliance of the earlier order passed by the Court and the breach committed by the revision petitioner herein, has dismissed the petition to recall the warrant observing that when the interest of the minor child is involved, the respondent is evading away from appearing and to protect the interest of the minor child, the petition to recall the warrant is dismissed along with the prayer to dispense with the personal appearance.



4. Thus, it is very clear from the order of the trial Court which is impugned in this criminal revision case, that the petitioner herein has neither appeared before the Court while seeking recall of warrant nor he has complied with the order of the trial Court regarding payment of maintenance. Hence, there is no merit in the criminal revision case. Accordingly, this Criminal Revision Case is liable to be dismissed.

5. As a result, this Criminal Revision Case is dismissed. However, this Court gives liberty to the revision petitioner herein to surrender himself before the trial Court and deposit a sum of Rs.50,000/- towards the arrears of maintenance order and thereafter, he can seek for recall of warrant. On such compliance the Court below shall consider the application to recall the warrant and pass appropriate orders including further conditions.

Sd/-
Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar (CS-II)

To

The Judicial Magistrate, Vallioor.

+ 1 CC TO Mr.T.A.EBENEZER, ADVOCATE IN SR No. 90604

CP

TE/SV/SAR-2 : 09/11/2018 : 2P/3C

Cr1.R.C(MD)No.578 of 2018
12.10.2018