



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE **P.N.PRAKASH****Cr1.R.C. (MD)No.147 of 2018****and****Cr1.M.P. (MD)No.1942 of 2018**

Gopi @ Gopikrishnan

: Petitioner

Vs.

1.Sumathi @ Nalayini

2.Minor.Pariventhan,

Minor represented by his mother-
the first respondent herein.

: Respondents

PRAYER: Criminal Revision Case is filed under Sections 397 and 401 of the Criminal Procedure Code praying to call for the records in Cr.M.P.No.408 of 2017 in Cr1.R.C.SR.No.298/06.01.2017 by the learned Sessions Judge of Tiruchirappalli Division, Tiruchirappalli, dated 14.06.2017, by confirming the order of the learned Judicial Magistrate, Manapparai, in M.C.No.13 of 2015 and set aside the same.

For Petitioner

: Mr.N.Shanmuga Selvam

For Respondents

: Mr.C.Dhanaseelan

ORDER*********

For the sake of convenience, the parties will be referred to by their name.

2. Sumathi @ Nalayini got married to Gopi @ Gopikrishnan on 10.11.2002 and they have one child Pariventhan through the wedlock. Gopi @ Gopikrishnan is working as Junior Assistant in Agricultural Department. Their marriage ran into rough weather resulting in the spouses getting estranged. Sumathi @ Nalayini filed M.C.No.13 of 2015 before the learned Judicial Magistrate, Manapparai, under Section 125 of the Code of Criminal Procedure against Gopi @ Gopikrishnan, claiming maintenance for herself and her minor son Pariventhan, in which, the learned Judicial Magistrate, by order dated 12.04.2016, directed Gopi @



Gopikrishnan to pay Rs.2,000/- per month and Rs.4,000/- per month (totally Rs.6,000/- per month) as maintenance to Sumathi @ Nalayini and Pariventhan respectively. Challenging the order dated 12.04.2016, Gopi @ Gopikrishnan filed a Criminal Revision Case before the Sessions Court, Tiruchirappalli with a delay of 178 days. The said delay application was numbered as Cr.M.P.No.408 of 2017 in CrI.R.C.SR.No.298/06.01.2017. The learned Sessions Judge, Tiruchirappalli, has dismissed the condone delay application in Cr.M.P.No.408 of 2017 on 14.06.2017, aggrieved by which, Gopi @ Gopikrishnan is before this Court with the present revision with a delay of 47 days. The delay has been condoned by this Court in CrI.M.P.(MD)No.827 of 2018 in CrI.R.C.(MD)SR.No.38645 of 2017.

3. Heard Mr.N.Shanmugaselvam, learned counsel for Gopi @ Gopikrishnan and Mr.C.Dhanaseelan, learned counsel for Sumathi @ Nalayini and her son.

4. In CrI.M.P.(MD)No.827 of 2018, this Court, by order dated 12.02.2018, had directed Gopi @ Gopikrishnan to deposit Rs.30,000/- (Rupees Thirty Thousand only) to the credit of M.C.No.13 of 2015 before the learned Judicial Magistrate, Manapparai. Today, the learned counsel for the petitioner produced a receipt bearing No.0559085, dated 05.03.2018 issued by the learned Judicial Magistrate, Manapparai, evidencing deposit of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of M.C.No.13 of 2015. The first respondent/wife will be entitled to withdraw the said amount.

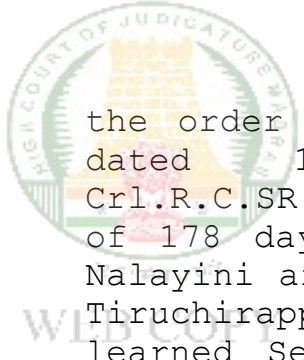
5. The learned counsel for Gopi @ Gopikrishnan submitted that Gopi @ Gopikrishnan is visually challenged and, therefore, he was not able to contact his lawyers for giving instructions in time to file the revision application.

6. However, the learned counsel for Sumathi @ Nalayini submitted that Gopi @ Gopikrishnan is gainfully employed in the Government and he cannot take a plea that he is visually handicapped, especially, when equal rights are being demanded on par with normal persons.

7. In the opinion of this Court, it will serve the interest of justice, if one more opportunity is given to Gopi @ Gopikrishnan to contest the order passed by the Trial Court before the Sessions Court, of course, on certain conditions.

8. Gopi @ Gopikrishnan shall deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of M.C.No.13 of 2015 before the learned Judicial Magistrate, Manapparai, on or before 23.04.2018. On such deposit, Sumathi @ Nalayini will be entitled to withdraw the same.

9. In the result, this Criminal Revision Case is allowed and



the order passed by the learned Sessions Judge, Tiruchirappalli, dated 14.06.2017 in Cr.M.P.No.408 of 2017 in Cr1.R.C.SR.No.298/06.01.2017 is, hereby, set aside and the delay of 178 days stands condoned. Gopi @ Gopikrishnan and Sumathi @ Nalayini are directed to appear before the learned Sessions Judge, Tiruchirappalli, on 23.04.2018 with their respective counsel. The learned Sessions Judge shall number Cr1.R.C.SR.No.298/06.01.2017 and take the same on file and dispose of the same on merits, within a period of six months thereafter. In the meantime, Gopi @ Gopikrishnan shall also pay a sum of Rs.4,000/- per month as maintenance for his child till the disposal of the revision in Cr1.R.C.SR.No.298/06.01.2017 by the Sessions Court. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Sessions Judge,
Tiruchirappalli Division,
Tiruchirappalli.
2. The Judicial Magistrate,
Manapparai.
- 3.The Chief Judicial Magistrate.
Trichy.

+ 1 cc TO Mr.N.Shanmuga Selvam, Advocate in SR No. 55295
+ 1 cc TO Mr.C.Dhanaseelan , Advocate in SR No. 55192

SML

AE/JC/SAR1/20.03.2018/3P/6C

Order made in
Cr1.R.C. (MD)No.147 of 2018
Dated: 12.03.2018