



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

WEB COPY

Crl.R.C.(MD) No.176 of 2018

and

Crl.M.P.(MD) No.2356 of 2018

Velusamy ... Petitioner/Respondent

vs.

N.Vijayalakshmi ... Respondent / Petitioner

PRAYER: Criminal revision filed under Sections 397 and 401 Cr.P.C., to call for the records in M.C.No.35 of 2010 dated 29.11.2011 on the file of the learned Additional Chief Judicial Magistrate, Madurai and set aside the same.

For Petitioner :Mr.S.Muniandi

For Respondent : No appearance

O R D E R

For the sake of convenience the parties herein are referred to by their name.

2.Vijayalakshmi got married to Velusamy on 26.10.2001 and their marriage ran into rough weather, resulting in the couple getting estranged. Vijayalakshmi filed M.C.No.35 of 2010 before the Additional Chief Judicial Magistrate, Madurai under Section 125 Cr.P.C. against Velusamy, claiming maintenance. On notice, Velusamy entered appearance and engaged Mr.M.Ramesh as his counsel. He also filed the counter statement. Vijayalakshmi examined herself as P.W.1 and marked one document Ex.P.1. No evidence was adduced on behalf of Velusamy. The trial Court after considering the evidence has allowed M.C.No.35 of 2010 on 29.11.2011 and has directed Velusamy to pay Rs.2,000/- per month as maintenance. Challenging the order of maintenance, Velusamy has filed the present Criminal Revision with a delay of 248 days. Hence, he filed M.P.(MD) No.1 of 2012 in Crl.R.C.(MD) No.SR32146 of 2012 under Section 5 of the Limitation Act for condonation of delay of 248 days, which has been allowed by this Court.

2.Coming to the Criminal Revision Case, the trial Court has ordered a paltry sum by Rs.2,000/- per month to Vijayalakshmi. Velusamy has admitted the matrimonial relationship in the counter statement but he has stated that they got separated since Vijayalakshmi used to criticize and call him impotent. The trial



Court has considered all these aspects and thereafter awarded maintenance as stated above. This Court does not find any infirmity or irregularity in the order passed by the trial Court warranting interference in exercise of revisional jurisdiction.

3. In the result, this Criminal Revision Case stands dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To
The Additional Chief Judicial Magistrate,
Madurai.

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KK/SV MMS/18.04.2018/SAR-4/2P-2C