



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.R.C.(MD) No.52 of 2018
and
CrI.M.P.(MD) No.555 of 2018

Veerapadran @ Kumar ... Petitioner / Petitioner / Respondent

vs.

1.Esakkiammal @ Chitra

2.Tamil Selvan (Minor) ...Respondents / Respondents / Petitioners
(R2 - Minor rep.by mother R1)

PRAYER: Criminal revision filed, under Section 397 r/w 401 Cr.P.C., to call for the records relating to the impugned order passed in CrI.M.P.No.1641/2016 in R.P.No.12/2016, dated 11.07.2017, on the file of the Sessions Court, Nagercoil and to set aside the same.

For Petitioner : Mr.K.Vamanan

O R D E R

Esakkiammal @ Chitra filed M.C.No.6 of 2014, before the learned Chief Judicial Magistrate, Nagercoil, under Section 125 Cr.P.C., claiming maintenance for herself and her son - Minor.Tamil Selvan, in which, the learned Chief Judicial Magistrate, by order 18.02.2016, directed the petitioner to pay monthly maintenance of Rs.5,000/- to Esakkiammal @ Chitra and Rs.3,000/- to the minor son - Tamil Selvan. Challenging the same, the petitioner filed a revision in R.P.No.12 of 2016, before the learned Sessions Judge, Kanyakumari District at Nagercoil, along with CrI.M.P.No.1641 of 2016 praying for stay of the Trial Court Order. The learned Sessions Judge, Kanyakumari District at Nagercoil, by order dated 11.07.2017, has passed the following order:

"9. In the result, stay is granted on condition that the petitioner / husband is directed to deposit the entire arrears of maintenance, a sum of Rs.3,28,000/- (Rupees Three Lakhs Twenty Eight Thousand only) before this Court within a month from the date of this order failing which this petition is to be dismissed. Call on 12.08.2017."



Challenging the same, the present revision has been filed with a delay of 71 days.

2. This Court condoned the delay by order dated 24.01.2018 in CrI.M.P.(MD) No.400 of 2018 in CrI.R.C.(MD) No.SR37767 of 2017 and took up the main revision itself for final disposal.

3. In the considered opinion of this Court, the order under challenge is an interlocutory order passed by the learned Sessions Judge in a pending revision and therefore, neither a second revision application before the High Court nor a revision application against the interlocutory order is maintainable in view of the bar under Section 397 r/w 401 Cr.P.C.

4. In such view of the matter, the criminal revision is closed. However, liberty is given to the petitioner to deposit the arrears of maintenance amount, namely, Rs.3,28,000/- in three equal monthly installments, before the Sessions Court, Kanyakumari District at Nagercoil, within a period of three months i.e., before the end of April, 2018. On such deposit, the respondents will be entitled to withdraw the same. If the petitioner fails to deposit, the learned Sessions Judge, Kanyakumari District at Nagercoil may pass final orders in the main R.P.No.12 of 2016 on merits before 30.05.2018. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CrI.Side)

/True Copy/

Sub-Assistant Registrar

To:

The Sessions Judge,
Nagercoil.

+One cc to Mr.K.Vamanan, Advocate , SR.No.44320

krk

RL/3C/2P/KK/SAR1/1/2/2018

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