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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.09.2018

CORAM:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.R.C (MD) No.775 of 2017

and

Crl.M.P. (MD) No.7682 of 2018

G.Kamal

: Petitioner

Vs.

1.Punitha

2.Minor Braganya

(R2 Represented by R1 Mother
and nature guardian)

: Respondents

PRAYER: Revision filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for the records of order passed in CMP No.52 of 2017 in CRC No.12 of 2017 dated 11.09.2017 on the file of the Fast Track Mahila Court, at Karur, Additional Sessions Judge to set aside the same as devoid of merits.

For Petitioner : Mr.A.Haja Mohideen

For Respondents: Mr.K.Harikaran

ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

2.The revision petitioner undertook to settle the arrears of maintenance of Rs.6,00,000/- in two instalments. First instalment of Rs.3,00,000/- which fall on 24.09.2018, was not paid and the conditional order had not been complied with and he has filed an application to modify the condition.

3.The revision petitioner has stated several cock and bull explanation for not paying the money. According to him, he has not even able to mobilise one rupee to discharge his maintenance arrears. It is a clear case of abuse of Court process from preventing the Court from disposing the revision case on merits, under the guise of seeking time to settle the matter, the revision petitioner without paying the maintenance, has filed the modification application.

4.The facts of the case before this Court is that the revision petitioner was directed by the trial Court to pay a sum of Rs.30,000/- per month for maintaining his minor child, who is now under the care and custody of the mother. The revision petitioner is a practising Doctor at Karur and Tiruchy. The trial Court has considered all the facts regarding income, desertion and



the amount required to maintain the minor child, has moderately fixed Rs.30,000/- per month as maintenance. From the date of order till this day nearly Rs.14,00,000/- is due towards arrears. Only Rs.3,00,000/- has been deposited as per the direction of this Court and the same has been withdrawn by the respondents.

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5.In such circumstances, when the matter was heard and was about to dismiss the criminal revision case, the revision petitioner sought time and gave an undertaking that he will deposit Rs.6,00,000/- in two instalments, as pointed out earlier. The first instalment which fell due on 24.09.2018 has not been paid. There is no semblance of obedience to his own promise. Though he has claimed himself that he is highly educated and professional, the revision petitioner has failed on all score. Both as a human being, to maintain his daughter and as a lawful citizen, where he has breached his own promise and undertaking given to the Court. Therefore, this Court find no reason to keep this matter pending on the board any further.

6.In the result, this Criminal Revision Case is dismissed. It is submitted by the learned counsel for both the parties that the main CRC.No.12 of 2017 is still pending, on the file of the learned Additional Sessions Judge, Karur. The learned Additional Sessions Judge, Karur is directed to dispose the CRC.No.12 of 2017 as expeditiously as possible. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

The Additional Sessions Judge, Fast Track Mahila Court, Karur.

Copy to:

The Record Keeper, Criminal Section,
Madurai Bench of Madras High Court, Madurai.(2 Copies)

+ 1 CC TO MR.K.HARIKARAN, ADVOCATE IN SR NO.87135

CP

BU/NM/SV/SAR-IV :14.11.2018 : 2P/5C