



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2018

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THE HON'BLE MR.JUSTICE DR.G.JAYACHANDRAN

Crl.R.C.(MD) No.507 of 2018

and

Crl.M.P.(MD)No.6977 of 2018

Boopathy

...Petitioner/Petitioner

Vs.

1.Malathy

2.Minor B.M.Mukesh

Rep. By his next friend,

Guardian, and mother Malathy,

Residing at-do-place

...Respondents/Respondents

PRAYER:Criminal Revision Case - filed under Section 397 (1) r/w 401 (1) of Criminal Procedure Code, to call for the records made in C.M.P.No.2443 of 2016 in M.C.No.7 of 2010 dated 25.06.2018 on the file of the learned Judicial Magistrate No.II, Kulithalai and quash the same.

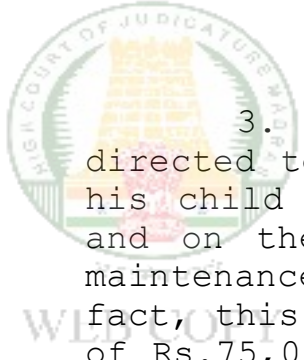
For Petitioner : Mr.N.Shanmuga Selvam

For Respondents: Mr.H.Lakshmi Shankar

ORDER

Earlier, the petitioner herein was directed to pay a sum of Rs.75,000/- as interim condition for granting stay, since he sought for revision of the order of maintenance and consequential attachment of salary. Time given to him for depositing a sum of Rs.75,000/- was till 26.09.2018. But, he has not deposited the money and sought for extension of time. Hence, he was directed to be present before this Court today to explain the reason for non compliance of the direction of this Court dated 05.09.2018.

2.Today when the matter is taken up for hearing the revision petitioner is present before this Court. He submits that he is not in a position to pay the said sum of Rs.75,000/-, which he was directed to pay as condition for grant of stay. He submits that his monthly back home salary is only Rs.2,000/- and therefore he cannot pay the amount as mentioned in the order while granting stay.



3. The records reveals that the revision petitioner was directed to pay a sum of Rs.2,000/- to his wife and Rs.1,000/- to his child as maintenance. He failed to deposit the said amount and on the date of filing of revision petition the arrears of maintenance runs to Rs.1,92,000/-. In the light of the above fact, this Court directed the revision petitioner to deposit a sum of Rs.75,000/- as condition for grant of stay. But now he claims that he is not in a position to pay the maintenance and the arrears accrued.

4. It is not the case that the revision petitioner is jobless and incomeless. Even though he is employed in TNPL, Karur, he refuses to pay even Rs.3,000/- per month as maintenance to his wife and children. Hence, this Court finds no reasonable justification to entertain this revision petition, since the revision petitioner is declined to maintain his wife and child. Accordingly, this Criminal Revision Case case is dismissed as devoid of merits. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS-III)

To

The Judicial Magistrate No.II,
Kulithalai.

+ 1 CC TO MR.H.LAKSHMI SHANKAR, ADVOCATE IN SR NO.89085

TA

BU/PM/SAR-III:31.10.2018 : 2P/3C

Crl.R.C.(MD) No.507 of 2018
05.10.2018