



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
Crl.M.P (MD) No.7396 of 2018
in
Crl.R.C.(MD)No.SR29100 of 2018
and
Crl.RC.(MD)No.SR 29100 of 2018

Utchimahali

:Petitioner

Vs.

Sakthivel Thavsikani

:Respondent

PRAYER (Crl.M.P.(MD)No.7398 of 2018): Miscellaneous petition filed under Section 5 of the Limitation Act, to condone the delay of 1515 days in filing the Criminal Revision Petition against the Judgment passed by the learned Additional Chief Judicial Magistrate, Tirunelveli in M.C.No.7 of 2013 dated 28.03.2014.

PRAYER (Crl.R.C.(MD)No.SR29100 of 2018): Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside the order dated 28.03.2014 in M.C.No.7 of 2013 on the file of learned Additional Chief Judicial Magistrate, Tirunelveli and enhanced the same.

For Petitioner : Mr.M.Sankar

ORDER

The delay of 1515 days in preferring the Criminal Revision Case challenging the maintenance of Rs.4,000/- per month, is not properly explained.

2.The order in M.C.No.7 of 2013 was passed as early on 28.03.2014. 4 ½ years has lapsed now. If at all the revision petitioner has aggrieved by inadequacy of maintenance, it is always open to her to file fresh petition before the Magistrate for modification. Entertaining the criminal revision case to test the legality of maintenance order after a lapse of four years by condoning delay of 1515 days, will not meet the ends of justice. Hence, this Miscellaneous Petition is dismissed and consequently, connected Crl.R.C.(MD)No.SR29100 of 2018 is rejected at the SR stage itself.

Sd/-

Assistant Registrar(Rti)

/True Copy/



To

The Additional Chief Judicial Magistrate,
Tirunelveli

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in
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