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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2019

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.394 of 2013
and
Crl.M.P.No.1 of 2013

Subramanian

.... Petitioner

vs

K.Maheswari

.... Respondent

Prayer Criminal Revision filed under Section 397 r/w 401 of Code of Criminal Procedure, to call for the records relating to the order dated 22.01.2013 made in C.R.P.No.21 of 2012 on the file of the learned Principal district and Sessions Judge of Erode modifying the judgment dated 11.09.2012 made in M.C.No.10 of 2008 on the file of the District Munsif-Cum-Judicial Magistrate, Perundurai.

For Petitioner : Mr.N.manokaran

For Respondent : No appearance

ORDER

Petitioner is the husband and the respondent is his wife, the respondent filed a case against the petitioner herein under Section 125 Cr.P.C., for maintenance in M.C.No.10 of 2008 before the District Munsif-Cum-Judicial Magistrate, Perundurai. After an elaborate enquiry the learned Judicial Magistrate, awarded a sum of Rs.6,000/- per month for maintenance till her life time.

2 Challenging the said order, the respondent herein had filed a Criminal Revision Petition for enhancement of the maintenance amount before the learned Principal District and



Sessions Judge, Erode in C.R.P.No.21 of 2012, the learned Principal District and Sessions Judge, after completing the procedural formalities, set aside the order and modified the award of the Judicial Magistrate by order dated 22.01.2013 reducing the maintenance to the wife at Rs.1,000/- per month till the date of remarriage dated 04.03.2012, observing that the respondent herein had already got second marriage on 04.03.2012.

3 Challenging the said order of the learned Principal District and Sessions Judge, the petitioner filed the present revision before this Court.

4 Heard the learned counsel appearing for the petitioner and perused the materials available on records, despite service of notice, there is no representation on behalf of the respondent.

5 It is seen that the relationship of the parties are not in dispute. There was an age difference about 23 years between them, and the respondent has clearly stated in her evidence that the petitioner did not satisfy her in physical relationship and that is the only reason she left the matrimonial home.

6 Section 125 Cr.P.C., clearly says that if the wife left the matrimonial home without any valid reason then she is not entitled for the maintenance from the husband. But in this case, both the Courts below found that the wife left the matrimonial home with a valid reason that the petitioner could not satisfy the respondent.

7 Admittedly, the age difference between the petitioner and the respondent is 23 years. The learned Magistrate has awarded a sum of Rs.6,000/- as maintenance to the respondent/wife and the learned Sessions Judge, stated that in this case the wife left the matrimonial home and got second marriage. Hence, the learned Sessions judge, by order dated 22.01.2013 modified the award passed by the Magistrate from Rs.6,000/- to Rs.1,000/- per month only till the date of remarriage.

8 This Court finds that there is no merit in this case and there is no perversity in the order passed by learned



Principal District and Sessions Judge, Erode. Accordingly, this Criminal Revision Case is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

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Assistant Registrar

//True Copy//

Sub Assistant Registrar

sbn

To

1.The Principal district and Sessions Court
Erode

2.The District Munsif-Cum-Judicial Magistrate,
Perundurai.

3.The Chief Judicial Magistrate,
Erode.

+1cc to Mr.N.manokaran, Advocate SR.68731

Cr1.RC.No.394 of 2013
and
Cr1.M.P.No.1 of 2013

NRL (CO)
CB(09/01/2020)