

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.Nos. 394 & 542 & 579 of 2016
and
Crl.M.P.No.2618 of 2016

Shanmugam

..Petitioner in all Criminal Revision
Petitions

Vs

1. Premalatha
2. Minor. Sanjay
3. Minor.S.Nishvanth

...Respondents in all Criminal Revision
Petitions

PRAYER in Crl.R.C.No. 394 of 2016: Criminal Revision Case filed under Article 397 r/w 401 of Criminal Procedure Code, to set aside the order made in CA No.87 of 2014 on the file of the IV Additional District Cum Sessions Court, Coimbatore confirming the order made in C.M.P.No. 3271 of 2013 in D.V.A.11 of 2013 dated 05.11.2013 on the file of the Judicial Magistrate No.VI, Coimbatore.

PRAYER in Crl.R.C.No. 542 of 2016: Criminal Revision Case filed under Article 397 r/w 401 of Criminal Procedure Code, to set aside the order dated 22.12.2015 made in C.M.P.No.155 of 2105 in CA No.87 of 2014 on the file of the IV Additional District Cum Sessions Court Coimbatore confirming the order made in C.M.P.No. 3271 of 2013 in D.V.A.11 of 2013 dated 05.11.2013 on the file of the Judicial Magistrate No.VI, Coimbatore.

PRAYER in Crl.R.C.No. 579 of 2016: Criminal Revision Case filed under Article 397 r/w 401 of Criminal Procedure Code, to set aside the order dated 22.12.2015 made in C.M.P.No.172/2015 in CA No.87 of 2014 on the file of the IV Additional District Cum Sessions Court Coimbatore confirming the order made in C.M.P.No. 3271 of 2013 in D.V.A.11 of 2013 dated 05.11.2013 on the file of the Judicial Magistrate No.VI, Coimbatore.

For Petitioner : Mr.K.S.Karthik Raja
(in all Criminal Revision Petitions)

For Respondents : Mr.I.Abrar MD Abdullah
(in all Criminal Revision Petitions)

O R D E R

The revision petitioner is the husband of the first respondent herein and father of the second and third respondents herein. The mother of the children along with the children filed a petition before the learned Judicial Magistrate No.VI, Coimbatore in D.V.A.No. 11 of 2013. During the pendency of the case, the respondents took an interim application in C.M.P.No. 3271 of 2013 claiming a sum of Rs.25,000/- as interim maintenance of the two children inter alia.

2. The learned Judicial Magistrate No.VI, Coimbatore after considering the facts and law in a proper perspective, allowed the petition in part, directing the petitioner herein to pay a sum of Rs. 10,000/- per month towards maintenance of two children. Aggrieved over the same, the petitioner preferred an appeal in C.A.No. 87 of 2014 on the file of the learned IV Additional District and Sessions Court, Coimbatore. The learned Sessions Judge also after considering all the documents placed before the Court, confirmed the order passed by the Judicial Magistrate No.VI, Coimbatore.

3. Heard the rival submissions made by both sides and perused the records.

4. It is seen from the lower court order that the children are in custody of their mother and the petitioner is living separately. Marriage between the petitioner and the first respondent is not in dispute. Paternity of the respondents 2 and 3 are also not in dispute. The order passed in CMP and not in the main petition. Further the order is only granting interim maintenance to the children. Therefrom, this Court is not inclined to go into the merit of the main case in DVA.No.11 of 2013. While exercising revisional jurisdiction, this Court does not find any compelled circumstances to take different view and there is no reason to interfere with the order of the Sessions Judge.

5. The petitioner is liable to deposit the entire interim arrears of maintenance of two children within a period of two months from the date of receipt of a copy of this order and also the learned Judicial Magistrate No.VI, Coimbatore is directed to

dispose the case within a period of three months from the date of the deposit of the interim arrears of maintenance amount. The petitioner is at liberty to take all his defence in the main case in D.V.A.No. 11 of 2013, pending before the learned Judicial Magistrate No.VI, Coimbatore.

6. With the above directions, these Criminal Revision Petitions are stand disposed of.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

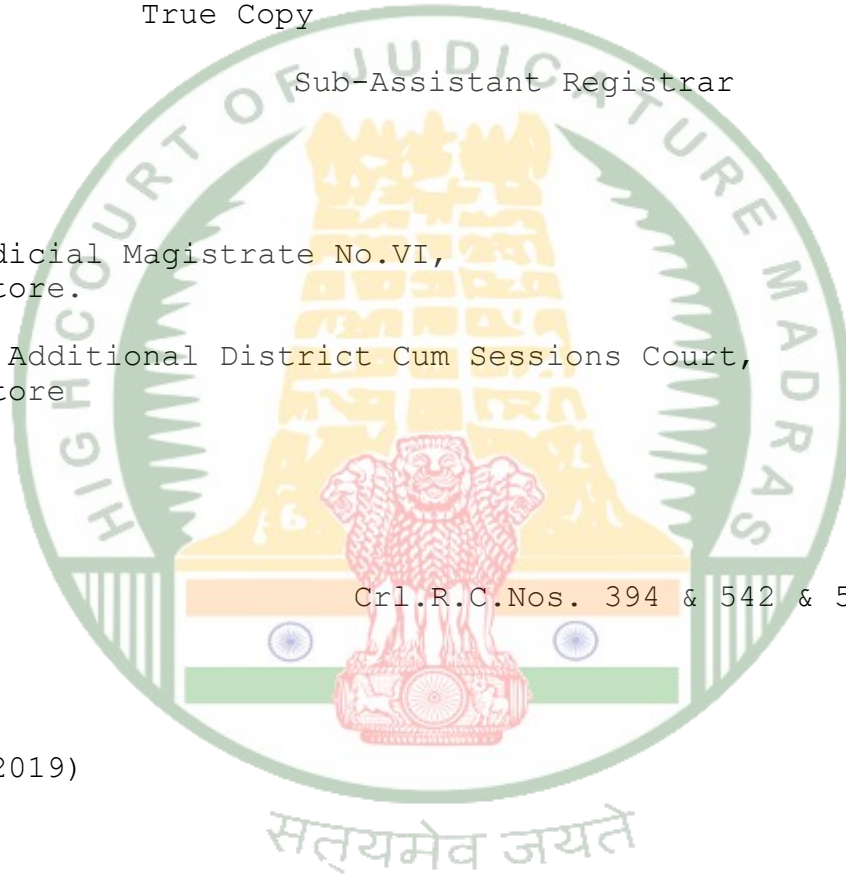
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To

1. The Judicial Magistrate No.VI,
Coimbatore.
2. The IV Additional District Cum Sessions Court,
Coimbatore

Cr1.R.C.Nos. 394 & 542 & 579 of 2016

PP (CO)
SP (16/12/2019)



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