

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2019

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.Rc.No.538 of 2019

P.Ezhilmalar ... Petitioner / Party-in-Person

vs.

A.Karunakaran ... Respondent

Prayer: Criminal Revision Petition filed under Sections 397 r/w. 401 CrPC (a) To set aside the order of the Judicial Magistrate III Court, Puducherry in Cr.M.P.No.2001/2017 in DVC 6 of 2016 dated 07.11.2017; (b) To revise the order of the III Additional Principal and Sessions Judge in Criminal Appeal No.46 of 2017 dated 22.01.2019 in Cr.M.P.No.2001/2017 in DVC 6 of 2016 by enhancing the interim maintenance amount to Rs.30,000/- per month; and (c) to grant such other reliefs.

For Petitioner : Mr.P.Ezhilmalar/Party-in-Person

ORDER

P.Ezhilmalar/Party-in-Person got married to A.Karunakaran/respondent on 12.11.2014 and after marriage, on account of matrimonial dispute, they got estranged. Ezhilmalar filed DVC.No.06/2016 before the Court of Judicial Magistrate No.III, Puducherry, claiming various reliefs under the Protection of Women from Domestic Violence Act. She also filed Crl.M.P.No.2001/2017 in DVC No.06/2016 for interim maintenance.

2. The learned Magistrate, after hearing either side, vide order dated 07.11.2017 in Crl.M.P.No.2001/2017 in DVC.No.06/2006, awarded interim maintenance of Rs.5,000/- per month in favour of Ezhilmalar. Challenging the same, her husband, namely Karunakaran filed C.A.No.46/2017 before the Sessions Court at Puducherry, which was heard by the learned III Additional Sessions Judge, Puducherry, who vide order dated 22.01.2019, dismissed the said appeal, confirming the order passed by the Trial Court. While so, Ezhilmalar has filed the present revision petition.

3. Heard Ezhilmalar/Party-in-Person, who submitted that at the time of hearing Crl.M.P.No.2001/2017, she did not have enough evidence to prove the income of her husband and that is why, the Trial Court had ordered a meager amount of Rs.5,000/- as interim maintenance.

4. The fact remains that the Trial Court has passed only an interim order of maintenance in Crl.M.P.No.2001/2017 and the main case in DVC No.06/2016 appears to be still pending on the file of the Judicial Magistrate No.III, Puducherry. It is always open to the petitioner/Ezhilmalar to establish/prove these facts in DVC No.06/2016 before the Judicial Magistrate No.III, Puducherry and persuade him by adducing sufficient evidence to enhance the maintenance amount in the final order.

5. With the above observations, this Criminal Revision Petition is disposed of.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

Jvm

To

1. The III Additional Sessions Judge,
Puducherry.

2.The Judicial Magistrate No.III,
Puducherry.

3. The Section Officer,
Criminal Section,
High Court, Madras.

+2cc to Mr.P.Ezhilmalar, Party in S.R.No. 47356

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NM I (CO)
GN(26/07/2019)