

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2019

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CrI.R.C.No.317 of 2012

V.Ramachandran

.. Petitioner/Respondent

Vs.

1. P.Vijialakshmi

2. Minor R.Keerthika .. Respondents/Complainant

Criminal Revision filed under Sections 397 and 401 Cr.P.C., against the judgment dated 23.12.2011 made in C.A.No.159 of 2011 passed by the learned Additional District and Sessions Judge, Fast Track Court No.II, Coimbatore confirming the judgment dated 29.04.2011 in D.V.A.No.13 of 2010 on the file of the learned Judicial Magistrate No.VII, Coimbatore.

For Petitioner : Mr.S.Saravanan

For Respondents: M/s.C.S.Saravanan
D.Umadevi

O R D E R

This Criminal Revision has been filed against the judgment dated 23.12.2011 made in C.A.No.159 of 2011 passed by the learned Additional District and Sessions Judge, Fast Track Court No.II, Coimbatore confirming the judgment dated 29.04.2011 in D.V.A.No.13 of 2010 on the file of the learned Judicial Magistrate No.VII, Coimbatore.

2. The revision petitioner is the husband and the respondents are the wife and minor child. The respondents filed a petition under Section 12 of Protection of Women From Domestic Violence Act 2005 in D.V.A.No.13 of 2010 before the learned Judicial Magistrate No.VII, Coimbatore. After enquiry, the learned Judicial Magistrate No.VII, Coimbatore directed the respondent therein/husband to pay a sum of Rs.2000/- to each petitioner therein [Rs.2000 X 2] on or before 10th day of every English Calendar month towards monthly maintenance.

Challenging the said order, the husband filed the appeal in CrI.A.No.159 of 2011 before the District and Sessions Court, Coimbatore. In turn, the learned Principal District and Sessions Judge, Coimbatore made over the appeal to the learned Additional District and Sessions Judge, Fast Track Court No.II, Coimbatore for disposal. After hearing the appeal, the learned Additional District and Sessions Judge dismissed the appeal on 23.12.2011 and confirmed the judgment of the learned Judicial Magistrate No.7, Coimbatore. Against the said judgment, the husband has filed the present revision before this Court.

3. The learned counsel for the revision petitioner would submit that except seeking time for payment of arrears, no other point has been canvassed before this Court regarding the perversity of the order of the learned Additional Sessions Judge.

4. The learned counsel for the respondents would submit that when the matter was taken up by this Court earlier, the petitioner sought permission of this Court to refer the matter to the District Legal Services Authority, Coimbatore. The report of The District Legal Services Authority reveals that there was no settlement has been arrived. Though this Court also directed the petitioner to deposit the entire arrears of maintenance, the petitioner has not done so. Hence, there is no merit in this revision and the same is liable to be dismissed.

5. Heard the learned counsel on either side and also perused the materials available on record.

6. It is not in dispute that the petitioner is the husband and the first respondent is the wife and the second respondent is the minor child of the both the petitioner and the first respondent. It is also not in dispute that the respondents are living away from the petitioner. Both the Courts came to the conclusion that the respondents were thrown away from the matrimonial home and also found that there was Domestic Violence against the first respondent. On reading the entire records, this Court does not find any perversity in the order passed by the Courts below.

7. It is the settled proposition of law that while deciding the revision, the Court has to see whether any perversity in the appreciation of the evidence in the judgment of the Court below. This Court does not find any perversity in the order passed by the learned Additional District and Sessions Judge, FTC No.II, Coimbatore.

8. Accordingly, this Criminal Revision Case is dismissed. The revision petitioner is directed to pay the entire award amount within a period of two weeks from the date of receipt of

a copy of this order. The revision petitioner is also directed to pay the monthly maintenance amount of Rs.4000/- [Rs.2000 X 2] to the respondents as directed by the Courts below.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

KMI

To

- 1.The Judicial Magistrate No.7,
Coimbatore.
2. The Additional District and Sessions Judge,
Fast Track Court-II, Coimbatore.

Copy TO

The Section Officer,
V.R. Section, High Court,
Madras.

+1cc to Mr. S.Saravanan, Advocate, S.R.No. 46999
+1cc to M/s.C.S.Saravanan, Advocate Sr.47272 [26/06/2019]

Cr1.R.C.No.317 of 2012

NMI (CO)
GN(14/06/2019)

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