



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Fourth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice N.SESHASAYEE

CRL MP(MD) No.1081 of 2019

IN

CRL OP(MD) No.13524 of 2018

P.CHINNASAMY

... PETITIONER/PETITIONER/PETITIONER

Vs

P.MUTHUMALAI,

... RESPONDENT/RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to modify the conditional order in Crl.M.P.No.7881 of 2018 in Crl.OP.No.13524 of 2018 order dated 22.11.2018.

Prayer in CRL OP(MD) . 13524/ 2018 :

To set-aside the order passed by the Learned Principal District cum Sessions Court, Srivilliputhur, Virudhunagar District in Cr.R.P.No.5/2015 dated 28/04/2018 by confirming the order passed in M.C.No.5/2013 dated 28/11/2014 on the file of the Learned Chief Judicial Magistrate, Srivilliputhur.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.K.SEEMARAJ, Advocate for the petitioner and of A.SIVAJI, Advocate on behalf of the Respondent, the court made the following order:-

The present petition is filed to modify the conditional order passed in Crl.M.P.No.7881 of 2018 in Crl.O.P.No.13524 of 2018 by order dated 22.11.2018.

2. The petitioner herein is the husband of the respondent. Challenging the interim maintenance awarded by the learned Chief Judicial Magistrate, Srivilliputhur, in M.C.No. 5 of 2013, the main Criminal Original Petition has been filed along with an application seeking an order of interim stay.

3. Initially, when the case was moved on 01.08.2018, this Court has granted an order of interim stay on condition that the petitioner to pay 50% of the arrears of maintenance amount within a



period of four weeks and directed him further to pay a sum of Rs.5000/- on or before 5th of every succeeding month to the respondent. Thereafter, the petitioner has filed another application seeking extension of time to comply with the conditional order.

4. When the said petition was taken up for consideration on 22.11.2018, the petitioner has agreed to pay Rs.1,20,000/- to the respondent on or before 07.12.2018 including the monthly maintenance amount which accumulated from August 2018 to November 2018 and to pay Rs.1,25,000/- on or before 07.01.2019 and the remaining amount of Rs.1,00,000/- on or before 28.02.2019. In view of the same, the extension petition was ordered by this Court.

5. Today, the petitioner has filed the present petition seeking modification of the said order dated 22.11.2018.

6. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent. This Court has also perused the materials available on record.

7. On going through the records, this Court is not inclined to modify the earlier order since the earlier order was passed based on the statements given before this Court. Secondly, the petitioner himself has admitted his marriage and he is stated to be the Manager of a bank. Under such circumstances, this Court does not find any reason as to how the Bank Manager earning Rs.47,031/- could not pay Rs.5000/- as an interim maintenance to his wife.

8. In the result, the present petition filed to modify the earlier order is dismissed. Further, the order of stay already granted by this Court 01.08.2018 is also vacated.

9. Post the main Criminal Original Petition on 02.04.2019.

sd/-
04/03/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE PRINCIPAL DISTRICT CUM SESSIONS JUDGE,
SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.



2. THE CHIEF JUDICIAL MAGISTRATE,
SRIVILLIPUTHUR.

+1 CC to Mr.S.SIVAJI, Advocate (SR-4343[I] dated 06/03/2019)

+1 CC to Mr.K.SEEMARAJ, Advocate (SR-4379[I] dated 06/03/2019)

ORDER

IN

CRL MP(MD) No.1081 of 2019

IN

CRL OP(MD) No.13524 of 2018

Date :04/03/2019

CM

AE/VR/SAR-IV/01.04.2019/3P/5C