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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**Reserved on : 10.06.2019
Pronounced on : 06.09.2019**

CORAM

THE HONOURABLE JUSTICE MRS.T.KRISHNAVALLI

**CRL.RC(MD) No. 88 of 2019
and
Crl.M.P.(MD)No. 1724 of 2019**

Senthil Kumar : Revision Petitioner

Vs

1. Minor Jenisha Sri,
(Minor 1st respondent represented
through her mother i.e, the 2nd
respondent herein)

2. Shanmugapriya

3. The Block Educational Officer,
Sedappatti Union, Sedappatti,
Madurai District.

: Respondents

Prayer: This Criminal Revision has been filed Under Section 397 r/w 401 of Criminal Procedure Code against the order, dated 28.01.2019 made in Crl.M.P.No.5681 of 2018 in M.C.No.3 of 2015 on the file of the District Munsif-cum-Judicial Magistrate Court No.1, Usilampatti.

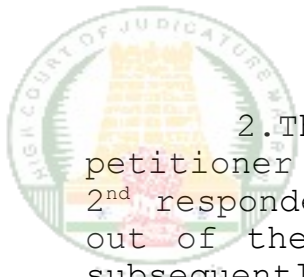
For Petitioner : Mr.D.S. Haroon Rasheed

For Respondents : Mr. K.Appa Durai for R2
Mr.R. Anandharaj for R3

R1 : Minor

J U D G M E N T

This Criminal Revision is directed against the the order, dated 28.01.2019 passed in Crl.M.P.No.5681 of 2018 in M.C.No.3 of 2015 by the District Munsif-cum-Judicial Magistrate Court No.1, Usilampatti.



2.The facts of the case are that the marriage between the petitioner and the 2nd respondent took place on 01.02.2008 and the 2nd respondent was working as a teacher at the time of marriage and out of the wedlock, the 1st respondent was born on 30.12.2008 and subsequently, the 2nd along with her father abused, ill-treated and tortured the petitioner and hence, the petitioner filed a petition for divorce in HMOP No.377 of 2010 before the III Additional Sub Court (Camp Court), Usilampatti. The learned Sub Court granted divorce on 01.08.2013.

3.It is seen from the records that the 2nd respondent/wife filed Cr.MP No.5681 of 2018 on the file of the District Munsif-cum-Judicial Magistrate Court No.1, Usilampatti, for salary attachment of her husband. On 29.04.2015, the learned Trial Judge passed an order directing the husband to pay maintenance of Rs.4,000/- for the maintenance of the child, on or before 5th day of every Calendar month till the minor attained majority and further ordered that the said amount has to be paid through her mother.

4.The learned counsel appearing for the revision petitioner submitted that from 29.04.2015 to 22.03.2019 totally 46 months maintenance amount to the tune of Rs.1,84,000/- was ordered and the revision petitioner paid Rs.20,000/- in cash to the respondent and Rs.50,000/- in Fixed Deposit Bond in the name of minor child. Further, he paid the balance amount of Rs.1,14,000/- before this Court on 12.03.2019. It is further submitted that as on date, there was no arrears and hence, the CrI.M.P.No.5681 of 2018 filed for salary attachment may be set aside and the petitioner also undertakes to pay the monthly future maintenance to the minor child without fail.

5.In this case, the revision petitioner filed a memo stating that he has already paid the entire arrears amount and as on date there is no arrears and hence, the salary attachment made by the trial Judge has to be set aside. The above fact is not disputed on the side of the respondent. The memo filed by the petitioner, dated 22.03.2019 is recorded.

6.In view that, the criminal revision is allowed. The impugned Order passed by the Trial Court is set aside. The revision petitioner is directed to pay the future maintenance amount to the minor child as per the order already passed trial court. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)



smn/er

encl.: xerox copy of Affidavit of undertaking dated 22.03.2019.

To

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The District Munsif cum
Judicial Magistrate Court No.1,
Usilampatti.

+1 CC to M/s.K.APPADURAI, Advocate (SR-86052[F] dated 10/09/2019)

CRL.RC (Md) . No. 88 of 2019

and

Cr.M.P. (Md) .No. 1724 of 2019

06.09.2019

sv2 (CO)

TR(16.12.2019) 3P 3C