



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2019

CORAM

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL.R.C. (MD)No.645 of 2019
and
Crl.M.P. (MD)No.7812 of 2019

S.P.Arumugam

... Petitioner/Appellant/
Respondent No.1

Vs

Kasiduari Selvi

... Respondent/Respondent
Petitioner

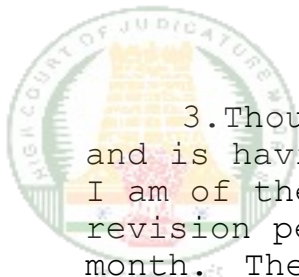
PRAYER: Criminal Revision Petition filed under Section 397(1) r/w 401 of Cr.P.C, praying, to call for the records and set aside the Judgment, dated 06.10.2017 passed in Crl.A.No.36 of 2016 on the file of the learned I Additional District and Sessions Judge, Thoothukudi, Thoothukudi District confirming the order dated 01.04.2016 in M.C.No.119 of 2014 on the file of the learned Judicial Magistrate No.I, Thoothukudi, Thoothukudi District.

For Petitioner	: Mr.A.Thiruvadi Kumar
For Respondent	: Mr.G.Anbu Chezheian

O R D E R

The respondent herein is the wife of the revision petitioner. She filed M.C.No.119 of 2014 on the file of the Judicial Magistrate No.I, Thoothukudi under the provisions of Domestic Violence Act. The learned trial Magistrate, by order dated 01.04.2016, directed the revision petitioner herein to pay a sum of Rs.5,000/- as maintenance and also directed the petitioner herein to return the articles to the respondent. The order passed by the learned trial Magistrate was confirmed as such by the Sessions Court. Challenging the same, this revision case has been filed.

2.The learned counsel appearing for the petitioner primarily contended that an appeal is continuation of the original proceedings and the First Appellate Court is expected to re-appreciate the entire material on record. In this case, the First Appellate Court has not done so. That appears to be his primary grievance.



3.Though the contention of the petitioner's counsel is sound and is having substance, in the facts and circumstances of the case, I am of the view that no interference is called for. After all the revision petitioner has been directed to pay a sum of Rs.5,000/- per month. The said amount cannot by any stretch of imagination be characterised as excessive or at the higher side. However, the arrears have mounted to a sum of Rs.3,60,000/- . The petitioner can be given reasonable time to clear the arrears. The revision petitioner is given three months time from the date of receipt of a copy of this order to liquidate his arrears.

4.The orders of the Courts below are confirmed. The revision petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Ad-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The First Additional District and Sessions Judge, Thoothukudi, Thoothukudi District.

2.The Judicial Magistrate No.I, Thoothukudi, Thoothukudi District.

+1 CC to M/s.A.THIRUVADI KUMAR, Advocate SR-85674.

+1 CC to M/s.D.SELVANAYAGAM, Advocate SR-85971.

CRL.R.C. (MD) No. 645 of 2019
06.09.2019

CS(14.10.2019) 2P 5C