



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2019

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WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CRL.O.P. (MD) .No.11108 of 2019

1.Sasikala @ Subha
2.Minor.Sithesh Prasanna : Petitioners
(Rep. by its mother and natural
guardian the 1st petitioner herein)

Vs.

Annavi Kumar : Respondent

PRAYER: Petition is filed under Section 482 of Criminal Procedure Code praying to direct the Chief Judicial Magistrate, Trichy to permit the petitioners to withdraw Rs.60,000/- with interest and to dispose the C.M.P.No.60 of 2018 in C.M.P.No.344 of 2013 in M.C.No.53 of 2011 before the Chief Judicial Magistrate, Trichy.

For Petitioners : Mr.N.Madhava Govindan

ORDER

This petition has been filed to direct the Chief Judicial Magistrate, Trichy to permit the petitioners to withdraw Rs.60,000/- with interest deposited in M.C.No.53 of 2011.

2. According to the petitioner, earlier she has filed a petition under Section 125 Cr.P.C., seeking for maintenance. The trial Court ordered a sum of Rs.1,500/- to each of the petitioners per month. The respondent herein filed a revision petition against the said order and the Revisional Court modified the order of maintenance to a sum of Rs.3,000/- to the second petitioner alone, against which the respondent has filed Crl.O.P.(MD)No.11590 of 2013 before this Court and this Court by way of an interim order had directed the petitioner to deposit a sum of Rs.60,000/- on the file of the Chief Judicial Magistrate Court, Trichirappalli in M.C.No.53 of 2011. Subsequently final order has been passed in the said petition on 20.02.2018 dismissing the petition filed by the respondent. Now the amount deposited by the respondent herein pursuant to the interim order of this Court is now on the file of the trial Court. To withdraw the amount, the petitioner has filed a petition before the trial Court. But so far no order has been passed. Hence the petitioner has filed the present petition.



3. Considering the fact that already final order has been passed in the petition filed by the respondent herein, the petitioner is entitled to withdraw the amount deposited by the respondent herein pursuant to the interim order granted by this Court. In the above circumstances, the learned Chief Judicial Magistrate, Trichy is directed to consider the petitioner's application seeking withdrawal of the amount with accrued interest and pass suitable orders within a period of six weeks from the date of receipt of a copy of this order. Accordingly, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(Crl. Side)

/TRUE COPY/

Sub Assistant Registrar

To

The Chief Judicial Magistrate, Trichy

+1 CC to M/s.N.MADHAVAGOVINDAN, Advocate (SR-80331[F] dated 07/08/2019)

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JM/05.09.2019/2P/3C