



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.R.C.(MD)No. 272 of 2014

and

M.P.(MD)No.1 of 2014

P.Senthilvelavan

... Petitioner/Respondent

Vs.

1.S.Puvaneswari

2.Harini (minor)

(Represented by the first respondent (natural guardian))

... Respondent/Petitioner

Prayer : This Criminal Revision Petition is filed under Section 397 r/w 401 Cr.P.C, to call for the records from the lower Court and set aside the final order passed by the learned Additional Chief Judicial Magistrate, Madurai, in M.C.No.29 of 2013 dated 06.03.2014.

For Petitioner : Mr.M.Ramu

For Respondents : Mr.S.Balamurugan

ORDER

This Criminal Revision Petition has been filed challenging the order passed by the learned Additional Chief Judicial Magistrate, Madurai, in M.C.No.29 of 2013 dated 06.03.2014.

2. The learned counsel for the petitioner represented that he could not get any instructions from the petitioner and submitted that the Registered Post addressed to him was returned as "left". He was also produced the returned letter.

3. Perusal of records shows that on 03.06.2014, the learned Additional Judicial Magistrate, Madurai, passed an order of maintenance of Rs.1,500/- to the first petitioner and another sum of Rs.1,500/- to the second petitioner, in the proceedings in M.C.No.29 of 2013 initiated under Section 125 of Cr.P.C. Aggrieved by the same, the petitioners have come forward with the present Criminal Revision case.



4. This Court, while entertaining this revision petition on 11.06.2014, passed an order of interim stay in respect of payment of maintenance for the wife, on condition that the petitioner should deposit the arrears of maintenance of Rs.1,500/- per month from 30.05.2013, in respect of the second respondent/child, within a period of four weeks from the date of receipt of a copy of the order to the credit of M.C.No.29 of 2013 before the Chief Judicial Magistrate, Madurai, failing which, the interim stay granted by the Court shall stand vacated automatically and the petitioner should continue to pay Rs.1,500/- (maintenance for the daughter) every month, until further orders. On such deposit, the first respondent would be entitled to withdraw all the amounts including the arrears.

5. It appears a memo dated 26.07.2014, has been filed on behalf of the petitioner that as per the order of this Court dated 11.06.2014, he had deposited a sum of Rs.18,000/-.

6. Though, there is a direction to the petitioner to continue with the deposit of Rs.1,500/- towards his daughter, there is no records available whether the petitioner continued to pay the maintenance as directed by the Trial Court as well as by this Court. It appears that the petitioner has also left, without informing the correct address to his counsel. This petition is pending right from the year 2014 and the conduct of the petitioner does not deserve him another opportunity. Therefore, this Court proceeds with this revision case based on the material available on record.

7. Perusal of records shows that, the following grounds has been raised at the time of filing the petition:-

" 1) The Court below ought not to have directed the petitioner to pay the monthly maintenance Rs.1,500/- to each in spit of the respondent admitted that herself are living separately without any reason stated in Section 125 of Criminal Procedure Code.

2) Though the Court below come to conclusion that there was no reason to the respondent live separately, without mind the Section 125 of the Code, simply allowed the same, as if maintenance available under Hindu Guardian and Maintenance Act.

3) The Court below ought not to have presumed that the petitioner can earn Rs.7,000/- having M.Com education qualification alone. When the petitioner is ready to live with the respondent and he filed petition for restitution of conjugal rights in H.M.O.P.No.509/2013 before the family Court, Madurai, the respondent willfully neglected the



petitioner.

4) Unless the order in M.C.No.29 of 2013 on the file of the Additional Chief Judicial Magistrate, Madurai, is set aside, the petitioner would be put to serve loss and hardships.

5) The petitioner has not filed any other petition before this Court or any other Court and no such petition is pending."

8. In the considered opinion of this Court, the petitioner has not made out any legal ground for his case and hence, this Criminal Revision Case is dismissed. It is left open to the Trial Court to issue non-bailable warrant as against the petitioner for collecting the arrears of maintenance amount payable by him. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

dss

To

The Additional Chief Judicial Magistrate,
Madurai.

+1 CC to M/s.S.BALAMURUGAN, Advocate (SR-86083[F] dated 10/09/2019)

+1 CC to M/s.M.RAMU, Advocate (SR-86357[F] dated 12/09/2019)

Crl.R.C. (MD) No. 272 of 2014
and

M.P. (MD) No.1 of 2014
09.09.2019

KK/SAR/04.10.2019/3P-4C/