

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2020

CORAM :

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl. R.C. No.1166 of 2013

K.M.Narasimhan

... Revision Petitioner

Vs.

Sangeetha

... Respondent

Criminal Revision Case filed under Section 397 r/w. 401 Cr.P.C., against the judgment, dated 19.07.2013, passed by the I Additional Sessions Judge, Tiruvallur, in C.A.No.14 of 2012, modifying the judgment, dated 08.02.2012, passed by the Judicial Magistrate, Tiruthani, Tiruvallur District, in C.C.No.293 of 2010.

For Petitioner : Mrs.R.Hemalatha

For Respondent : Mrs.T.Muthamilselvi

ORDER

This Criminal Revision Case has been filed against the judgment, dated 19.07.2013, passed by the I Additional Sessions Judge, Tiruvallur, in C.A.No.14 of 2012, modifying the judgment, dated 08.02.2012, passed by the Judicial Magistrate, Tiruthani, in C.C.No.293 of 2010.

2.For the sake of convenience, the parties will be referred to by their name.

3.Narasimhan and Sangeetha got married on 28.11.2007 and their marriage ran into rough weather resulting in Sangeetha initiating proceedings in C.C.No.293 of 2010, before the Judicial Magistrate's Court, Tiruthani, under the Protection of Women from Domestic Violence Act, 2005 ("D.V. Act" for brevity), claiming various reliefs.

4.Sangeetha examined herself as P.W.1 and also examined P.Ws.2 to 5 and marked Exs.P1 to P6. Narasimhan examined himself as R.W.1 and also examined R.Ws.2 to 4 and marked Exs.B1 to B3.

5.After considering the evidence on record and hearing either side, the trial Court, by judgment and order dated 08.02.2012, in C.C.No.293 of 2010, issued the following directions :

"32.Hence, this Court is of the considerable view to grant remedy which was exhausted under Section 20 of the Protection of Women from Domestic Violence Act 2005, the monthly maintenance of Rs.3,500/-, per month and medical expenses Rs.5000/- per year have to be given by the respondent to the petitioner and for the domestic violence done by the respondent to the petitioner, this Court orders the respondent to pay a sum of Rs.5,00,000/- to the petitioner as compensation and the cost of the petition of Rs.5000/- has also to be paid by the respondent to the petitioner within a period of 10 days from the date of order of this petition."

6.Aggrieved by the order, Narasimhan filed C.A.No.14 of 2012, which was heard by the I Additional Sessions Judge, Tiruvallur. The Appellate Court, by judgment dated 19.07.2013, reduced the compensation amount from Rs.5,00,000/- to Rs.50,000/-. The relevant portion of the judgment of the Appellate Court is as under :

"25.In the result, the appeal is partly allowed and the findings of the Learned Judicial Magistrate in C.C.No.293 of 2010 order dated 08.02.2012 with regard to compensation of Rs.5,00,000/- to the wife by the husband is modified as that the wife is entitled compensation of Rs.50,000/- from the husband. With regard to the monthly maintenance the findings of the trial Court is confirmed. To that aspect the appeal is disallowed. No costs."

7.Challenging the concurrent findings of the two Courts below qua conviction, Narasimhan has filed the present Criminal Revision Case before this Court under Section 397 r/w. 401 Cr.P.C.

8.Heard learned counsel for Narasimhan and learned counsel for Sangeetha.

9.Learned counsel for Narasimhan submitted that, both the Courts had erred in holding that Narasimhan was a Ward Councilor, whereas, he had only contested, but had lost. The learned counsel also contended that the sum of Rs.50,000/- and the monthly maintenance of Rs.3,500/-, that was ordered by the Appellate Court, are far and excessive and require interference.

10.Per contra, learned counsel for Sangeetha refuted the contentions.

11.This Court gave its anxious consideration to the rival submissions.

12.Both the Courts have concurrently held that domestic violence was perpetrated by Narasimhan on Sangeetha. This Court, while exercising revisional jurisdiction, cannot re-appreciate the evidence like an Appellate Court. Section 20(1) (d) of the D.V. Act states that the Court can grant relief to the aggrieved person even under Section 125 Cr.P.C. or any other law for the time being in force. Admittedly, till date, Narasimhan has not paid even a single paise to Sangeetha, including the monthly maintenance of Rs.3,500/-. In such view of the matter, this Court does not find any infirmity in the judgment passed by the Appellate Court, warranting interference.

13.Hence, this Criminal Revision Case is dismissed and the judgment of the Appellate Court is confirmed.

It is open to Sangeetha to execute the order of monthly maintenance and compensation before the trial Court in the manner known to law.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mkn

Copy to :

1.The I Additional Sessions Judge,
Tiruvallur.

2.The Judicial Magistrate,
Tiruthani,
Tiruvallur District.

+1cc to Mr.C.Prakasam, Advocate sr.8285

+1cc to Mrs.T.Muthamilselvi, Advocate sr.8045

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mp(co)
nr 06/03/2020



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