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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.553 of 2021
and CrI.M.P.No.9103 of 2021

Gopinathan

...Petitioner/Petitioner

..vs..

Angalaparameswari

...Respondent/Respondent

Criminal Revision Case filed under Section 397 and 401 Cr.P.C, to set aside the order dated 09.04.2021 in C.A.No.32 of 2018 on the file of the Principal Sessions Judge, Kanchipuram at Chengalpattu by confirming the order dated 18.06.2018 made in D.V.No.6 of 2014 on the file of the learned Judicial Magistrate Court, Tambaram and to call for the records.

For Petitioner : Mr.R.Anbalagan

O R D E R

The Criminal Revision Case has been filed against the order dated 09.04.2021 passed in C.A.No.32 of 2018 by the learned Principal Sessions Judge, Kanchipuram at Chengalpattu by confirming the order dated 18.06.2018 passed in D.V.No.6 of 2014 by the learned Judicial Magistrate, Tambaram.

2.The petitioner is the husband and the respondent is the wife. The respondent/wife filed a complaint against the petitioner and her in-laws before the Protection Officer and the same was made over to the learned Judicial Magistrate Court, Tambaram. The learned Magistrate taken cognizance of the case in D.V.No.6 of 2014. After due enquiry, the learned Magistrate ordered Rs.3,000/- each per month as maintenance to the respondent/wife and minor child. Challenging the said order the petitioner/husband filed an appeal in C.A.No.32 of 2018 before the Principal District and Sessions Judge Kanchipuram at Chengalpattu. After considering the entire materials and also hearing the arguments advanced on either side, on 09.04.2021, the learned Sessions Judge confirmed the order of the trial Court and directed the petitioner to pay the arrears amount within two months from the date of the judgment and also



directed to pay future maintenance on or before 10th day of every English Calendar Month. Aggrieved over the said order, the petitioner is before this Court by way of Criminal Revision Case.

3.The learned counsel for the petitioner would submit that the respondent/wife has voluntarily deserted the petitioner/husband. The petitioner has undergone by-pass open heart surgery two times and taking medical treatment continuously and he does not have any source of income to pay maintenance and arrears to the respondent/wife and child.

4.Heard the learned counsel for the petitioner and perused the materials available on record.

5.It is seen from the records that the relationship between the parties are not in dispute and the paternity of the child is also not in dispute. The learned Judicial Magistrate after considering the oral and documentary evidence found that the petitioner is not having any independent source of income, but, he is getting income from the joint family property and ordered Rs.3,000/- each per month as maintenance to the respondent/wife and child. The lower Appellate Court, as a fact finding Court, after considering the entire materials and prevailing economic conditions found that the trial Court has rightly ordered the said amount and the same is very reasonable and confirmed the order of the trial Court.

6.The scope of the revision is very limited. The Trial Court and the Appellate Court had already appreciated the entire evidence and given the findings. While exercising the revisional jurisdiction, this Court cannot sit in the arm chair of the Appellate Court and reappraise the evidences. This Court has to see only as to whether there is any perversity in appreciation of evidence in the judgment of the Courts below.

7.Under these circumstances, this Court does not find any perversity or infirmity in the order passed by the Court below and hence, the same is liable to be dismissed. Accordingly, the Criminal Revision Case is dismissed at the admission stage itself.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Sessions Judge,
Kanchipuram at Chengalpattu.

2. The Judicial Magistrate Court,
Tambaram.

+lcc to Mr.R.Anbalagan, Advocate, S.R.No.46643

Crl. R.C.No.553 of 2021

BS[co]
NSK 27/09/2021