



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 01.09.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.RC(MD)No.492 of 2021

and

Crl.MP(MD)No.5258 of 2021

Palanichamy : Revision Petition / Petitioner

Vs.

1.The State rep. by
The Inspector of Police,
Palani Chettipatti Police Station,
Theni District.
(Cr.No.187/2021) : 1st Respondent / Complainant

2.Banumathi : 2nd Respondent / Victim

Prayer: Criminal Revision filed under sections 397 r/w 401 of the Code of the Criminal Procedure against the order passed in Crl.MP No.2279 of 2021, dated 05.07.2021 on the file of the Judicial Magistrate, Theni.

For Petitioner : Mr.R.Shankar Ganesh
for M/s.Dictum Law Firm
For Respondent : Mr.RMS.Sethuraman
Government Advocate (Crl. Side)

O R D E R

This Criminal Revision is directed against the order passed in Crl.MP No.2279 of 2021, dated 05.07.2021 by the Judicial Magistrate, Theni.

2.The case of the prosecution is that on 27.04.2021 at 2.00 pm, when the de-facto complainant booked a room in a Hotel at Theni, A2 solicited him for prostitution availing the 2nd respondent herein, who is the 2nd wife of the revision petitioner and other victim women. A1 is the Manager of the Hotel. Based on the complaint given by the de-facto complainant, a case in Crime No.187 of 2021 was registered against the accused persons and the victim girls were sent to the Madurai Government Women Care Centre. The petitioner, being the husband of the 2nd respondent/victim, filed a petition in Crl.M.P No.2279 of 2021 on the file of the Judicial Magistrate, Theni, seeking custody of the 2nd respondent/victim. The learned Judicial Magistrate, by order, dated 05.07.2021 dismissed the said petition and issued a



direction to send the 2nd respondent/victim to a Government Women Care Centre at Madurai, for a duration of 1 year. Aggrieved by the said order, the petitioner is before this court.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. It is the main contention of the petitioner that the 2nd respondent is his 2nd wife, but the trial court without considering the above facts, has erroneously passed the impugned order and hence, the impugned order is liable to be set aside.

5. It is seen from the report of the Probationary Officer that the 2nd respondent is a divorcee and the petitioner married the 2nd respondent with the consent of his 1st wife and the 2nd respondent is willing to get back her normal life and the petitioner is also willing to lead the normal life with the 2nd respondent. But the trial court, without appreciating the report of the Probationary Officer in a proper manner, has passed the impugned order, which is not correct. Keeping in view of the above facts, the impugned order passed by the trial court is liable to be set aside.

6. In the result, this Criminal Revision is allowed. The impugned order passed in CrI.MP No.2279 of 2021, dated 05.07.2021 by the Judicial Magistrate, Theni, is set aside. It is directed that the custody of the 2nd respondent/victim be handed over to the petitioner, after obtaining necessary undertaking/affidavit that she will co-operate for the investigation and trial. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, the responsibility of the advocate/litigant concerned.



To,

1.The Judicial Magistrate, Theni.

2.The Inspector of Police,
Palani Chettipatti Police Station,
Theni District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.SHANKAR GANESH, Advocate (SR-27939[F] dated
02/09/2021)

Crl.RC (MD) No.492 of 2021
01.09.2021

PS (CO)

SB(14.09.2021) 3P 5C