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Crl.R.C.No.736 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28.11.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Crl.R.C.No.736 of 2021

1. D.Anthoni Muthu D Thangaraj

2. Juliet Ammal

3. L.James

... Petitioners

Vs.

Twinkle Amala

... Respondent

Prayer:

Criminal Revision Case filed under Sections 397 & 401 Cr.P.C., against the order dated 03.12.2020 passed in C.A.No.579 of 2018 on the file of the II Additional Sessions Court at Chennai confirming the order dated 06.03.2014 passed in M.C.No.3848 of 2011 on the file of XVIII M.M.Court at Chennai.

For Petitioners : No appearance

For Respondent : Mr.K.Selvakumaraswamy



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ORDER

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2. The respondent herein filed a petition in M.C.No.3848 of 2011 under Sections 18,20,21,22 and 23 of Domestic Violence Act against the petitioners herein before the XVIII Metropolitan Magistrate, Saidapet, Chennai. The learned Magistrate allowed the petition by directing the petitioners to pay sum of Rs.10,000/- as monthly maintenance to the respondent herein. Aggrieved over the same, the petitioners filed CrI.A.No.579 of 2018 on the file of the II Additional Sessions Court, Chennai. The learned Additional Sessions Judge, after hearing the arguments advanced on either side, considered the materials and also order of the learned Magistrate, dismissed the appeal, by confirming the order passed by the learned Magistrate in M.C.No.3848 of 2011. Aggrieved over the same, the petitioners have filed the present revision case before this Court.



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3. Despite giving sufficient opportunity, neither the petitioners nor the counsel for the petitioners appeared and putforth their arguments. Since this Criminal Revision Case is arising out of concurrent judgement of both the Courts below that too seeking maintenance amount under the Domestic Violence Act, this Court is inclined to dispose the revision case on merit, even in the absence of the revision petitioners.

4. When the matter is taken up for hearing, there is no representation for the petitioners. Heard the learned counsel for the respondent and perused the materials available on record.

5. The relationship between the parties are not in dispute. Both the Courts below while considering the status of the parties, ordered Rs.10,000/- as monthly maintenance. Normally, the Revision Court will not interfere with the judgment of the Courts below. This Court also conscious about the fact that Revisional Court cannot sit in the arm chair of the appellate court and re-appreciate the entire evidence as the appellate court and give independent finding unless appreciation of evidence by both the Courts below are perverse or findings of both the Courts below are erroneous. On a



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perusal of the order of the learned Magistrate, *prima facie* finds that there was domestic violence caused by the petitioners herein against the respondent. The Appellate Court also re-appreciated the entire evidence finds that there was a domestic violence caused against the respondent herein by the petitioners and ordered monthly maintenance of Rs.10,000/-.

6. Since the petitioners are not appeared to substantiate their claim that the order of both the Courts below are perverse, this Court on perusal of the records finds that there is no perversity or irregularity or illegality in the order passed by both the Courts below. There is no merit in the revision and the same is liable to be dismissed. Accordingly, the Criminal Revision Case is dismissed.

28.11.2022

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Index:yes/No
Internet:yes/No



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To

1. The II Additional Sessions Judge,
II Additional City Court,
Chennai

- 2.The XVIII Metropolitan Magistrate,
XVIII M.M.Court at Chennai,
Saidapet, Chennai.



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P.VELMURUGAN, J.

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