



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Nineteenth day of January Two Thousand and Twenty Two
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.556 of 2022

IN

CRL RC(MD) No.28 of 2022

WEB COPY

MUTHURAJ

... PETITIONER/RESPONDENT

Vs

LAKSHMI

... RESPONDENT/PETITIONER

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence imposed upon the Petitioner pursuant to the order of conviction in Crl.MP.No.91 of 2018 in MC.No.27 of 2008 dt.5.10.2021 passed in the Family Court, Nagercoil, convicting the Petitioner U/s.125(3) of the Criminal Procedure Code and sentenced rigorous imprisonment for 11 months pending disposal of the above criminal revision petition.

Prayer in CRL RC(MD) . 28/ 2022 :

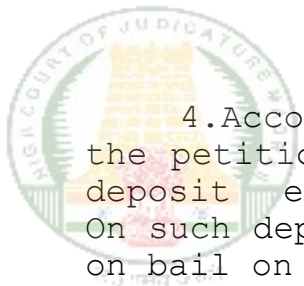
To set aside the order passed in Crl.MP.No.91 of 2018 in Mc.No.27 of 2008 dt.5.10.2021 filed by the Respondent on the file of the Learned Family Court, Nagercoil.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.MOHAN GANDHI S.M., Advocate for the petitioner, while admitting the Criminal Revision Case, the court made the following order:-

This petition has been filed to suspend the sentence imposed upon the petitioner pursuant to the order of conviction in Crl.M.P.No.91 of 2018 in M.C.No.27 of 2008, dated 05.10.2021, passed by the Family Court, Nagercoil, convicting the petitioner under Section 125(3) Cr.P.C and sentenced him to undergo rigorous imprisonment for 11 months, till the disposal of the Criminal Revision Case.

2.On the side of the petitioner, it is stated that the petitioner-husband is ready to deposit the entire monthly maintenance amount and prayed the sentence to be suspended.

3.In view of the submission made by the learned counsel for the petitioner, this Court is inclined to suspend the sentence till the disposal of the criminal revision case on condition that the petitioner has to deposit the entire arrears amount before the trial Court.



4. Accordingly, the substantive sentence of imprisonment against the petitioner alone is suspended and the petitioner is directed to deposit entire arrears amount before the Family Court, Nagercoil. On such deposit being made, the petitioner is ordered to be released on bail on the following conditions:

(i) the petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Family Court, Nagercoil, Kanyakumari District;

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity ;

(iii) the petitioner shall appear before the Trial Court daily at 10.30 a.m., until further orders.

5. In the above circumstances, this petition is allowed.

sd/-

19/01/2022

/ TRUE COPY /

20/01/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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, shall be the responsibility of the advocate/litigant concerned.

TO

1 THE JUDGE, FAMILY COURT, NAGERCOIL,
KANYAKUMARI DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.M.MOHAN GANDHI, Advocate (SR-292[I] dated 19/01/2022)

ORDER IN

CRL MP(MD) No.556 of 2022

IN CRL RC(MD) No.28 of 2022

Date :19/01/2022