



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.O.P(MD)No.676 of 2022

and

Cr1.M.P. (MD)No.487 of 2022

N.Alagarsamy ... Petitioner/Respondent
Vs.

1.A.Mangala Sundari

2.Minor Devi Meenakshi ... Respondents/Petitioner
(R2 is represented by her mother and guardian first respondent)

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating in Cr.M.P.No.7112 of 2021 in M.C.No.4 of 2016 dated 15.12.2021 passed by the learned Judicial Magistrate No.I, Kovilpatti and to set aside the same.

For Petitioner : Mr.G.Karuppasamy Pandiyan

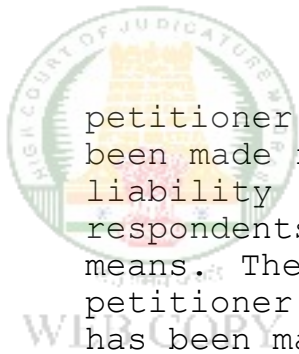
O R D E R

Heard the learned counsel for the petitioner.

2.The respondent herein filed M.C.No.4 of 2016 before the Judicial Magistrate No.I, Kovilpatti. The first respondent is the petitioner's wife while the second respondent is the petitioner's daughter. The marriage had taken place way back in the year 1994. The parties appear to have separated some time in the year 2015. The petitioner had examined himself as R.W.1. He now wants to reexamine himself in order to rebut an allegation made by the respondents herein. The respondents herein have alleged that the jewels in question are presently in the custody of the petitioner herein. In order to rebut the said allegation, the petitioner wants to re-examine himself. The said recall petition was dismissed by the Court below by order dated 15.12.2021. Challenging the same, this criminal original petition came to be filed.

3.The learned counsel for the petitioner reiterated all the contentions set out in the memorandum of grounds.

4.I am not however persuaded by the same. Because as rightly pointed out by the Court below, even though an averment that the



petitioner herein is having the jewellery in question, no claim has been made for recovery of the jewels. The issue only relates to the liability of the petitioner to pay maintenance amount to the respondents herein and regarding the sufficiency of the petitioner's means. Therefore, for the purpose mentioned in the petition, the petitioner need not be recalled and re-examined as witness. No case has been made out for interference. This criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writs)

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

To:

1.The Judicial Magistrate No.I,
Kovilpatti.

Crl.O.P(MD)No.676 of 2022
12.01.2022

ma (CO)

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