



Crl.R.C.(MD).No.460 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.460 of 2022

Sastri

... Petitioner / Respondent /
Respondent

Vs.

1. Nalini

2.Minor S.Jeyahari

3.Minor S.Mathuvant
(Minor Respondent 2 and 3 are
represented by their mother / natural
guardian the 1st respondent herein)

... Respondents / Petitioners /
Petitioners

PRAYER: This Civil Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the entire records with regard to the order passed by the learned Judicial Magistrate, Thiruvaiyar in Cr.M.P.No. 962 of 2021 in M.C.No.4 of 2011 dated 11.04.2022 and set aside the same.

For Petitioner : No appearance

For Respondents : Mr. J.Robert Chandrakumar



Crl.R.C.(MD).No.460 of 2022

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ORDER

This Criminal Revision Case has been filed against the order passed by the learned Judicial Magistrate, Thiruvaiyar in Cr.M.P.No.962 of 2021 in M.C.No.4 of 2011 dated 11.04.2022.

2.The Facts of the case in brief:

M.C.No.4 of 2021 was filed by the wife seeking maintenance for herself and her children and the matter was referred to Lok Adalat, in which, the learned Additional Public Prosecutor raised his submission by the husband / respondent herein agreed to pay Rs.5,000/- each to the wife and the children and the said amount was paid from 05.04.2022. From 01.04.2021 to 30.03.2022, the respondent had to give total balance amount is Rs.17,48,000/-. To recover the above said amount, the above said petition was filed by the respondents herein seeking attachment and recovery of the salary of the Revision Petitioner. That petition was resisted by the Revision Petitioner stating that the entire education expenses of the children were spent by the revision Petitioner. He is already paid Rs.1,80,000/- towards the above said educational expenses. Further, it was also paid Rs.20,000/- towards expenses for clothing and Rs.5,000/- for other expenses. It was also



Crl.R.C.(MD).No.460 of 2022

paying Rs.4,000/- each regularly to the respondents. Apart from that, it was also stated that some other amounts also either paid or deposited in the account.

3. The trial Court on considering the objection and the accounts details of the payment and the balance, the balance amount of Rs. 17,38,000/- has not paid by the petitioner. So that, he was sentenced to undergo one month Simple Imprisonment, against which this Revision Case is preferred.

4. It has been stated that the very same ground that has been made in the counter that was filed by respondents before the trial Court, when on those grounds, it was rejected by the trial Court, from very same ground cannot be raised before this Court without any substantial materials.

5. The learned Counsel for the revision petitioner is stated that Rs.4,50,000/- is paid by the revision petitioner and for that also there is no material. Even at that time of admission, a sum of Rs.5,00,000/- is ordered to be paid within a period of four weeks from 19.05.2022 and apart from that he was directed to pay Rs.15,000/ to pay monthly maintenance to the



Crl.R.C.(MD).No.460 of 2022

respondents regularly. On that ground, the Suspension of Sentence was ordered. That was not paid and relaxed the condition in Crl.M.P.No.9472 of 2022 and whether the above said condition had been complied or not is not clear on record. Even though, he was regularly appearing before the trial Court with regard to the payment of the amount, there is no material. In spite of repeated adjournments, the Revision Petitioner has not appeared before the Court.

6. In the result, the revision case is liable to be dismissed for non prosecution. Accordingly, dismissed.

12.12.2022

Index : Yes / No
Internet : Yes / No
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Crl.R.C.(MD).No.460 of 2022

G.ILANGO VAN,J.

indu

To

The Government Advocate (Crl.Side),
Madurai Bench of Madras High Court, Madurai.

Crl.R.C.(MD).No.460 of 2022

12.12.2022