



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.R.C(MD)No.750 of 2021

WEB COPY

1.M.M.Indira

2.I.Aarthy (Minor) ... Petitioners/Petitioners/Petitioners

(Minor 2nd petitioner represented by 1st petitioner)

Vs.

A.Iyyappan ... Respondent/Respondent/Respondent

PRAYER: Criminal Revision Case filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for the records and set aside the order passed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil in CrI.M.P.No.1098 of 2019 in unnumbered R.P.SR.No.8264 of 2019 and direct the learned Principal Sessions Judge, Kanyakumari District at Nagercoil to number the unnumbered R.P.SR.No.8264 of 2019 and taken on file.

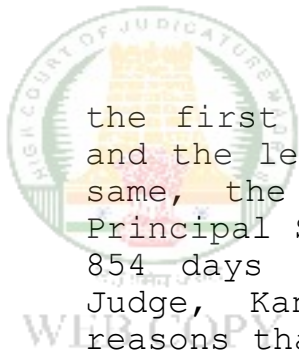
For Petitioners : Mr.M.Ashok Padmaraj

For Respondent : No appearance

ORDER

This revision has been preferred as against the order passed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil in CrI.M.P.No.1098 of 2019 in unnumbered R.P.SR.No.8264 of 2019, thereby dismissed the petition filed to condone the delay of 848 days in filing the revision.

2.The first petitioner got married with the respondent herein on 30.03.2007. Due to their wedlock, they gave birth to the second petitioner. Due to misunderstanding and also dowry harassment, the first petitioner lodged complaint before the Inspector of Police, All Women Police Station, Nagercoil. On the complaint, a case has been registered as against the respondent for the offences under Sections 498 and 406 of I.P.C and Sections 3, 4 and 6 of Dowry Prohibition Act. After they got separated, the petitioners filed a petition for maintenance in M.C.No.17 of 2010 under Section 125 of Cr.P.C. However, the trial Court partly allowed the maintenance case and directed the respondent to pay a sum of Rs.3,000/- to the second petitioner and dismissed the maintenance as against the first petitioner for the reason that though the respondent is willing and ready to live with the first petitioner, she has been consistently denying to live with the respondent. Therefore, without any reason,



the first petitioner deserted the respondent and living separately and the learned Magistrate dismissed the petition. Aggrieved by the same, the first petitioner filed a revision before the learned Principal Sessions Judge, Kanniyakumari at Nagercoil with a delay of 854 days in filing the revision. The learned Principal Sessions Judge, Kanniyakumari at Nagercoil, dismissed the same for the reasons that the reasons stated in the affidavit filed in support of the condone delay petition are not satisfactory.

3.Heard the learned counsel appearing for the petitioners.

4.On a perusal of the affidavit filed in support of the condone delay petition, the first petitioner stated that she is living with her parents from the year 2010 and her father suffered serious disease and as such, she could not meet her counsel to prefer the revision. Therefore, the Court below rightly dismissed the petition to condone the delay of 848 days in preferring the revision. Hence, this Court finds no infirmity or illegality in the order passed by the Court below. Accordingly, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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 Principal Sessions Judge,
Kanyakumari District at Nagercoil.

2.The Record Keeper,
Criminal Records,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.ASHOK PADMARAJ, Advocate (SR-8598[F] dated
25/02/2022)

Crl.R.C (MD) No.750 of 2021
24.02.2022