



Crl.OP.No.1505 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2023

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1505 of 2023

Lakshmanan

...Petitioner

Vs.

Kanimozhi

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, praying to modify the condition imposed in Crl.M.P.No.76 of 2023 in Crl.A.No.4 of 2023, dated 06.01.2023 on the file of the III Additional Session Judge, Puducherry.

For Petitioner : Mr.R.Gopalakrisnan

For Respondent : Mr.S.Santhosh

Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to modify the condition imposed in Crl.M.P.No.76 of 2023 in Crl.A.No.4 of 2023, dated 06.01.2023 on the file of the III Additional Session Judge, Puducherry.



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2. Learned counsel for the petitioner submitted that respondent filed S.T.C.No.1023 of 2022 under Section 31 of Protection of Women from Domestic Violence Act, 2005, for non payment of maintenance ordered by the Court. Learned Judicial Magistrate No.II, Puducherry. After hearing the parties the learned Judicial Magistrate convicted and sentenced the petitioner to undergo six months simple imprisonment and pay fine of Rs.10,000/- under Section 31 of Domestic Violence Act, in default to undergo further period of one month simple imprisonment.

3. Challenging the said order, petitioner filed Crl.A.No.4 of 2023 along with Crl.M.P.No.76 of 2023 for suspension of sentence. Learned III Additional Sessions Judge at Puducherry, while suspending the sentence, directed the petitioner to deposit 50% of arrears of monthly maintenance amount within one month from the date of order. Challenging the condition imposed in Crl.M.P.No.76 of 2023, this petition is filed.



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4. Learned counsel for the petitioner further submitted that petitioner is a daily wage worker and he is not able to deposit 50% of the arrears amount. He is ready to deposit 30% of the amount.

5. Heard the submissions and perused the records.

6. This Court, on going through the order of learned Judicial Magistrate finds that, the learned Magistrate ordered payment of Rs.9,000/- per month as maintenance on 29.01.2014. Against the said order, Crl.R.C.No.1267 of 2014 and Crl.R.C.No.7 of 2014 were filed. In a common order, the maintenance amount was reduced to Rs.7,000/-. At the time of filing of S.T.C.No.1023 of 2022, the arrears of maintenance accumulated to Rs.6,54,000/-. Thus, it is seen that, petitioner has not paid the maintenance regularly and allowed the maintenance to be accumulated to more than Rs.6,00,000/-.

7. In such circumstances, this Court finds no reason to interfere with the Order of the III Additional Session Judge, Puducherry Crl.M.P.No.76 of 2023 in



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Crl.A.No.4 of 2023, dated 06.01.2023 directing the petitioner to deposit 50% of the arrears of maintenance amount, within a period of one month from the date of the Order.

8. In such view of the matter, this Criminal Original Petition is dismissed. Petitioner is granted 2 months time to pay the amount, as ordered by the learned III Additional Sessions Judge, Puducherry from the date of receipt of a copy of this order.

25.01.2023

gd
Index: Yes/No
Speaking Order: Yes/No

To

The III Additional Session Judge, Puducherry.



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G.CHANDRASEKHARAN.J.,

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