



Crl.R.C. No.705 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R.HEMALATHA**

Crl.R.C.No.705 of 2023 &

Crl.M.P. No.5502 of 2023

N. Sivakumar

...Petitioner

Vs.

1. B. Shanmuga Priya

2. S. Vishant Priyan

... Respondents

Prayer : Criminal Revision filed under Sections 397 & 401 Cr.P.C. against the order dated 31.10.2022 passed by the learned Judicial Magistrate, Additional Mahila Court, Alandur, in Crl. M.P. No.506 of 2022 in M.C. No.23/2022.

For Petitioner : Mr.R. Anbalagan

For Respondents : Ms. D. Kamatchi

ORDER

Aggrieved over the orders dated 31.10.2022 passed by the learned Judicial Magistrate, Additional Mahila Court, Alandur, in Crl.M.P. No.506 of 2022 in M.C. No.23/2022, the present Criminal Revision Case is filed.



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2. The revision petitioner is the respondent in Crl.M.P.No.506/2022 on the file of the Judicial Magistrate, Additional Mahila Court, Alandur. The respondents herein filed a Maintenance Case in M.C.No.23/22 under Section 125 Cr.P.C. seeking maintenance from the revision petitioner and during the pendency of the said Maintenance Case, they filed a petition in Crl.M.P. No.506/2022 seeking interim maintenance. The said petition was allowed by the learned Judicial Magistrate, Additional Mahila Court, Alandur, vide her orders dated 31.10.2022, by observing thus:

"Heard the enquiry on both sides and this petition filed by the petitioners for grant of interim maintenance amount, and the respondent objects the petition. Upon considering the relevant material and perusing the same and considering the rival submission on both sides this petition to be granted with livelihood to the petitioner and her daughter and hence Rs.60,000/- is granted as interim maintenance to the petitioners. The respondent is directed



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(Rupees Sixty thousand only) to be paid every month on or
before 10th day of English calendar month accordingly to
the petitioner."*

3. Aggrieved over the above orders passed by the trial court,
the present Criminal Revision is filed.

4. Heard Mr.R. Anbalagan, learned counsel for the revision
petitioner and Ms. D. Kamatchi, learned counsel for the respondents.

5. Mr.R. Anbalagan, learned counsel for the revision petitioner
contended that the 1st respondent is working as a professor and the trial
court, without taking the same into consideration, had passed a cryptic
order granting interim maintenance of Rs.60,000/- per month to the
respondents.



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6. Per contra, Ms. D. Kamatchi, learned counsel for the respondents contended that the present revision petitioner is an engineer by profession earning a sum of Rs.1,75,000/- per month and therefore awarding a sum of Rs.60,000/- towards interim maintenance by the trial court is perfectly in order.

7. A perusal of the orders passed by the trial court shows that no reason has been assigned for granting an interim maintenance of Rs.60,000/- per month to the respondents. It is also seen that both the parties have not adduced any oral and documentary evidence. In this regard, the contention of the learned counsel for the respondents is that though the respondents adduced sufficient materials to prove their contentions, the same had not been taken into account by the trial court. In the circumstances, the case is remitted back to the trial court for disposing the same afresh in accordance with law. The trial court shall afford sufficient opportunity to both the parties to let in oral/documentary evidence.



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8. In the result,

- i. the Criminal Revision Case is allowed. Consequently connected miscellaneous petition is closed.
- ii. The case is remitted back to the Judicial Magistrate Court, Additional Mahila Court, Alandur. The learned Judicial Magistrate, Additional Mahila Court, Alandur is directed to dispose of the Crl.M.P.No.506/2022 afresh within a period of one month from the date of receipt of a copy of this order.

21.08.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order

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R. HEMALATHA, J.
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To

The Judicial Magistrate, Additional Mahila Court, Alandur

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