



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twenty Eighth day of February Two Thousand and
Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.2890 of 2023
IN
CRL RC(MD) No.205 of 2023

KARUMANI @ SELVAM

... PETITIONER/RESPONDENT

Vs

1 CHINNA PAPA

2 MINOR KAVIKUMAR

(THROUGH ITS NATURAL GUARDIAN 1ST
RESPONDENT / MOTHER)

... RESPONDENT/PETITIONER

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed on the petitioner by order dated 20.01.2023 passed in Crl M.P No. 1776 of 2022 in M.C No. 06 of 2018 on the file of the learned Munsif cum Judicial Magistrate, Natham, Dindigul District pending disposal of the Criminal Revision Petition.

Prayer in CRL RC(MD) . 205/ 2023 :

To call for the records and to set aside the order dated 20.01.2023 passed by the Learned District Munsif cum Judicial Magistrate, Natham, Dindigul District in Crl. M.P No. 1776 of 2022 in M.C No. 06 of 2018.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.VINOTHKUMAR.B, Advocate for the petitioner, While admitting the crl.R.C., the court made the following order:-

This petition is filed to suspend the sentence passed by the learned District Munsif Cum Judicial Magistrate Natham, Dindigul, in Crl.M.P No.1776 of 2022 in M.C.No.06 of 2018, pending disposal of the Criminal Revision Case.



2. The learned counsel appearing for the petitioner submitted that the petitioner and the first respondent are husband and wife, due to some difference of opinion, they separated. Thereafter, the respondent filed maintenance case under Section 125 Cr.P.C before the learned Munsif Cum Judicial Magistrate, Natham, Dindigul District and the learned Judicial Magistrate ordered to pay a sum of Rs.2,000/- (Rupees Two thousand only) to the first respondent and to pay a sum of Rs.1,500/- (Rupees One Thousand and Five Hundred only) to the second respondent as maintenance. The petitioner did not pay the above said maintenance amount and therefore, the first respondent has filed a petition in CrI.M.P.No.1776 of 2022 under section 125(3) Cr.P.C to recover the maintenance amount. After hearing arguments, the learned Magistrate on 20.01.2023 passed an order of 18 months simple imprisonment to the petitioner.

3. The learned counsel for the petitioner submitted that by the order dated 20.02.2023, this Court directed the petitioner to deposit 75% of the arrear amount before the concerned Court in M.C.No.06/2018 and the same was duly complied with by the petitioner and he has also produced the voucher.

4. In view of the above submission made by the learned counsel for the petitioner, this Court is inclined to suspend the sentence imposed upon the petitioner, on condition that he must pay the remaining amount also within 15 days from the date of release from the prison.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Munsif Cum Judicial Magistrate, Natham, Dindigul District, and on further condition that the petitioner shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending disposal of the revision.

List the main matter on 20.03.2023.

sd/-
28/02/2023

/ TRUE COPY /

28/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TTA
TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
NATHAM, DINDIGUL DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

+1. C.C. to M/S.VINOTHKUMAR.B Advocate SR.No.3053

ORDER

IN

CRL MP (MD) No.2890 of 2023
IN

CRL RC (MD) No.205 of 2023

Date :28/02/2023

SA/SSS/SAR. /28.02.2023/3P/5C