



Crl.R.C(MD)No.275 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2023

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.275 of 2019

Mariyapushpam

... Revision Petitioner

Vs.

Bala Ganesan

... Respondent/Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records relating to Cr.M.P.No.4290 of 2018 in M.C.No.22 of 2011, dated 23.10.2018 on the file of the learned Additional District Munsif cum Judicial Magistrate, Sivagiri and set aside the same.

For Petitioner : Mr.P.T.Thiraviam

For Respondent : Mr.S.Mandhiringeswaran



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ORDER

The revision has been filed as against the order passed in Cr.M.P.No.4290 of 2018 in M.C.No.22 of 2011, dated 23.10.2018 on the file of the learned Additional District Munsif cum Judicial Magistrate, Sivagiri.

2.Heard the learned counsel appearing on either side and perused the materials available on record.

3.On perusal of the records revealed that in order to execute the order of maintenance ordered under Section 125 of Cr.P.C, the petitioner filed a petition in Cr.M.P.No.4290 of 2018 in M.C.No.22 of 2011 on the file of the learned Additional District Munsif cum Judicial Magistrate, Sivagiri, under Section 431 of Cr.P.C to attach the salary of the respondent and the same was dismissed on the ground that the petition is not maintainable under Section 431 of Cr.P.C and there is a specific provision available under Section 128 of Cr.P.C. Therefore, the Court below rightly dismissed the petition and this Court finds no infirmity or illegality in the order



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passed by the Court below. Accordingly, this Criminal Revision Case is dismissed.

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NCC : Yes/No
Index : Yes/No
Internet : Yes
ps

To

- 1.The Additional District Munsif cum Judicial Magistrate,
Sivagiri.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
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