



Crl.R.C(MD)No.53 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2023

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

**Crl.R.C(MD)No.53 of 2019
and
Crl.M.P(MD)No.1351 of 2019**

Sahaya Siluvai Pio Sumithra ... Petitioner/Respondent/
Respondent

Vs.

B.Maria Franklin Consious ... Respondent/Petitioner/
Petitioner

PRAYER: Criminal Revision Case filed under Section 397(1) r/w 401 of the Code of Criminal Procedure, to call for the records in C.A.No.2 of 2016 on the file of the learned I Additional Sessions Judge, Thoothukudi and set aside the order passed in Cr.M.P.No.60 of 2018, dated 04.01.2019 in C.A.No.2 of 2015 and allow this revision.

For Petitioner : Mr.B.Tamilnidhi

For Respondent : Mr.R.J.Karthick



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ORDER

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This revision has been filed as against the order passed in Cr.M.P.No.60 of 2018 in C.A.No.2 of 2015, dated 04.01.2019, on the file of the learned I Additional Sessions Judge, Thoothukudi, thereby dismissing the application filed under Section 391 of Cr.P.C.

2.The petitioner is the wife and the respondent is the husband. They got married and separated due to misunderstanding and also harassment made by the respondent and his family members. Therefore, the petitioner preferred a complaint under the Domestic Violence Act as against the respondent and others. The trial Court ordered maintenance and also compensation in favour of the petitioner in M.C.No.1 of 2015, by an order, dated 16.12.2015. Aggrieved by the same, the respondent filed an appeal. While pending appeal, the respondent/husband filed an application in Cr.M.P.No.60 of 2018 in C.A.No.2 of 2015 under Section 391 of Cr.P.C to summon the Bank Manager of the petitioner/wife along with account statement before the Appellate Court, which was allowed by the Appellate Court. Aggrieved by the same, the petitioner preferred the revision.



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

4.Now, the Honourable Supreme Court of India laid down law that whenever the petition filed for maintenance both, namely, husband and wife, shall produce their respective assets and liabilities by way of affidavit in order to prove their income. Therefore, this Court finds no infirmity or illegality in the order passed by the Appellate Court. Accordingly, this Criminal Revision Case is dismissed. However, both the petitioner and the respondent are directed to let in additional evidence to produce their asset and liability before the Appellate Court. Consequently, connected Miscellaneous Petition is closed.

16.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
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To

The I Additional Sessions Judge,
Thoothukudi.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
Crl.R.C(MD)No.53 of 2019

16.06.2023