



Crl.R.C.(MD).No.996 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN

Crl.R.C(MD).No.996 of 2022

G.Akilandeshwari

... Petitioner

Vs.

1.R.Ganeshkumar
2.R.Rethinam
3.M.Rajamuniyandi
4.G.Sangeetha

... Respondents

PRAYER: Criminal Revision Case filed under Section 397 r/w. 401 Cr.P.C., to call for the records pertaining to the Judgment, passed by the learned Principal District and Sessions Judge, Tiruchirappalli in Crl.M.P.No.3007 of 2020, dated 04.08.2022 in Crl.A.S.R.No.3376/2020, to condone the delay of 188 days to the Criminal Appeal against the Judgment passed by the learned Additional Mahila Judge, Tiruchirappalli in MC.No.27 of 2015, dated 08.07.2019 and set aside the same.

For Petitioner : Mr.T.A. Punithan

For respondents : Mr.K. Muthumalai



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ORDER

This Criminal Revision Case has been filed as against the order passed by the learned Principal District and Sessions Judge, Tiruchirappalli, in Crl.M.P.No.3007 of 2020, dated 04.08.2022, in Crl.A.SR.No.3376 of 2020, to condone the delay of 188 days in filing the Criminal Appeal, against the Judgment passed by the learned Additional Mahila Judge, Tiruchirappalli, in MC.No.27 of 2015, dated 08.07.2019.

2. The petitioner herein is the wife of the first respondent. She filed a petition in M.C.No.27 of 2015, on the file of the learned Additional Mahila Court, Thiruchirappalli and the same was dismissed on 08.07.2019. Aggrieved over the same, the petitioner has filed an appeal with a delay of 188 days. The same was allowed by the learned trial Judge, by order, dated 06.07.2022, with a condition to pay a sum of Rs.2,500/-, to the counsel for the respondents on or before 03.08.2022 and the same was not complied with and hence, the said petition was dismissed by the learned Principal District and Sessions Judge, Tiruchirappalli, vide order dated 04.08.2022. Challenging the same, the



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petitioner has filed the present revision.

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

4. The petitioner filed a petition in M.C.No.27 of 2015, on the file of the learned Additional Mahila Judge, (Judicial Magistrate), Tiruchirappalli, under Section 12 of the Domestic Violence Act, 2005, seeking the relief of monthly maintenance, compensation, return of the articles and cash. She claimed that the marriage between the petitioner and the first respondent took place on 13.02.2014. Out of their wed lock, a female child was born. Thereafter, the respondents committed domestic violence and hence, she filed the petition under Section 12 of the Domestic Violence Act, 2005. The same was dismissed by the judgment dated 08.07.2019. Aggrieved over the same, she preferred the statutory appeal before the learned Principal Sessions Judge, Triucirappalli with the delay of 188 days. The same was allowed by the learned Sessions Judge, on 06.07.2022, with the condition to pay cost of Rs.2,500/- to the respondent counsel, on or before 03.08.2022. The same was not complied



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with and hence, the petition to condone the delay of 188 days, was dismissed. Challenging the same, the petitioner filed this criminal revision case before this Court.

5. Since the petitioner filed the statutory appeal and also challenged the finding of the learned trial Judge that there was no domestic violence and also refusal to grant maintenance, to give fair opportunity of hearing to the petitioner and to decide the issue on merits, in the interest of justice, this Court is inclined to set aside the impugned order dated 04.08.2022, in Cr.M.P.No.3007 of 2020, in Crl.A.SR.No. 3326 of 2020, passed by the learned Principal Sessions Judge, Thiruchirappalli.

6. Accordingly, this Criminal Revision Case is allowed in the following terms:

(i)The impugned order, dated 04.08.2022, in Cr.M.P.N0.3007 of 2020, in Crl.A.SR.No.3326 of 2020, passed by the learned Principal Sessions Judge, Thiruchirappalli is set aside.



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(ii)The petition in Cr.M.P.No.3007 of 2020, is allowed with a condition to pay a sum of Rs.5,000/- to the respondents within a period of two weeks from the date of receipt of a copy of this order.

11.07.2023

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
trp

To

1. The learned Principal District and Sessions Judge, Tiruchirappalli.
2. The learned Additional Mahila judge, Tiruchirappalli



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K.K. RAMAKRISHNAN. J.,

trp

Order made in
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Dated : 11.07.2023