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CrI.R.C.No.262 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.R.C.No.262 of 2022

S.Revathy

... Petitioner

Vs.

1.J.Sundar
2.M.Jayabalan (Deceased)
3.J.Devaki
4.M.Lakshmi Devi
5.D.Bhuvana
6.K.Dheenadhayalan
7.A.Bhavani (Concubine)
8.A.Vijayalakshmi (Concubine)

... Respondents

Prayer:

Criminal Revision Case filed Section 397(1) r/w. 401 of Criminal Procedure Code, seeking to set aside the judgment dated 13.08.2019 passed in Criminal Appeal No.469 of 2018 by the Learned II Additional Session Judge, Chennai, which has confirmed the order dated 25.07.2018 passed by the Learned XVI Metropolitan Magistrate, George Town, Chennai in D.V.C.No.42 of 2017 and to allow the above said Criminal Revision.



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For Petitioner : Mr.G.K.R.Pandian
For Respondents : No Appearance for R1, R3 to R8
R2 – Deceased

O R D E R

The criminal revision case has been filed seeking to set aside the judgment dated 13.08.2019 passed in Criminal Appeal No.469 of 2018 by the learned II Additional Session Judge, Chennai, confirming the order dated 25.07.2018 passed by the learned XVI Metropolitan Magistrate, George Town, Chennai in D.V.C.No.42 of 2017.

2.The learned counsel appearing for the petitioner submitted that the petitioner filed domestic violence case under Section 12 of Protection of Women from Domestic Violence Act in D.V.C.No.42 of 2017 as against her husband/ first respondent and others and the trial Court directed the first respondent to pay a sum of Rs.10,000/- each month towards alternate accommodation from the date of order, Rs.10,000/- on or before 5th of every month from the date of filing of the petition towards maintenance and to deposit a sum of Rs.3,000/- before 5th of every month from the date of filing of the petition towards educational expenses of the daughter Mohitha in the separate account to be opened by the petitioner. For enhancement of the said amount,



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the petitioner filed criminal appeal in C.A.No.469 of 2018 before the lower Appellate Court and the lower Appellate Court confirmed the order passed by the trial Court. Challenging the concurrent finding rendered by the Trial Court as well as the lower Appellate Court, the petitioner has filed this revision. The learned counsel further submitted that till date, the first respondent has not paid any amount to the petitioner.

3.The learned counsel appearing for the petitioner further submitted that without going into the merits of the case, this Court may permit the petitioner to file a separate petition seeking enhancement in maintenance under Section 125 of Cr.P.C. before the trial Court in the manner known to law and to file appropriate petition before the trial Court for non payment of the awarded amount.

4.In view of the submission made by the learned counsel appearing for the petitioner, liberty is granted to the petitioner to file petition seeking enhancement in maintenance under Section 125 of Cr.P.C. before the trial Court in the manner known to law and to file appropriate petition before the trial Court for non payment of the amount awarded by the trial Court in the manner known to law.



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M.DHANDAPANI,J.
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5.With the above observations, this revision stands disposed of.

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

- 1.The II Additional Sessions Judge,
Chennai.
- 2.The XVI Metropolitan Magistrate,
George Town,
Chennai.

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