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Crl.R.C.No.892 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.892 of 2023

M.K.Sridhar

... Petitioner

Vs.

1.S.Vasanthi

2.S.Prasanna

... Respondents

Prayer:

Criminal Revision Case filed under Section 397 and 401 of Criminal Procedure Code, seeking to set aside the order passed by the Judicial Magistrate No.I, Kanchipuram, dated 28.04.2023 in Crl.M.P.No.2607 of 2022 in Crl.M.P.No.7010 of 2019 in M.C.No.10 of 2019.

For Petitioner : M/s.R.Anbalagan
For Respondents : Mr.M.Mohd Saifulla

O R D E R

The criminal revision case has been filed seeking to set aside the order passed by the Judicial Magistrate No.I, Kanchipuram, dated 28.04.2023 in Crl.M.P.No.2607 of 2022 in Crl.M.P.No.7010 of 2019 in M.C.No.10 of 2019.



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2.The case of the petitioner is that the petitioner is the husband and the first respondent is the wife. Their marriage was solemnized on 10.02.2000 and out of the wedlock, they were blessed with the second respondent. Thereafter there was a matrimonial dispute between them and the respondents filed maintenance case under Section 125(1)(a)(b) of Cr.P.C. in M.C.No.3 of 2016 before the Judicial Magistrate Court, Cheyyar, Thiruvannamalai seeking monthly maintenance of Rs.7,000/-. After adjudication, the Judicial Magistrate Court, Cheyyar, directed the petitioner to pay a sum of Rs.4,500/- as monthly maintenance from the date of the order, i.e., 15.03.2016. Thereafter, the respondents filed petition under Section 127 of Cr.P.C. in C.M.P.No.7010 of 2019 seeking enhancement of maintenance before the learned Judicial Magistrate No.I, Kanchipuram and the said petition was allowed and the monthly maintenance was enhanced to Rs.25,000/- (Rs.10,000/- to the first respondent and Rs.15,000/- to the second respondent) and the petitioner was directed to pay the monthly maintenance from the date of the petition. Since the said amount was not paid to the respondents, the respondents filed petition under Section 128 of Cr.P.C. in C.M.P.No.2607 of 2022 seeking to arrest the petitioner



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before the learned Judicial Magistrate No.I, Kanchipuram. After adjudication, the said petition was allowed by the learned Judicial Magistrate No.I, Kanchipuram and the petitioner was imposed with the punishment of 14 months simple imprisonment. Challenging the same, the present revision has been filed.

3.The learned counsel for the petitioner submitted that as against the order passed by the learned Judicial Magistrate No.I, Kanchipuram in C.M.P.No.7010 of 2019, the petitioner has preferred criminal appeal in C.A.No.9 of 2023 before the Principal Sessions Court, Kanchipuram and the same is pending. In the meantime, the arrest warrant was issued. The learned counsel further submitted that pursuant to the order of this Court dated 18.05.2023 made in Crl.M.P.No.7235 of 2023 in Crl.R.C.No.892 of 2023, the petitioner has deposited a sum of Rs.2,93,000/- on 30.05.2023 and the balance amount will be deposited within a period of four weeks from the date of receipt of a copy of this order and further submitted that the petitioner is ready to pay the enhanced monthly maintenance amount till he obtain stay from the lower Appellate Court.

4.The learned counsel appearing for the respondents raised no



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serious objection.

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M.DHANDAPANI,J.

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5.In view of the above, the petitioner is directed to deposit the balance arrears in the enhanced monthly maintenance amount to the respondents, within a period of four weeks from the date of receipt of a copy of this order. The petitioner shall continue to pay a sum of Rs.25,000/- to the respondents towards monthly maintenance on or before 7th of every succeeding English Calender Month, till he obtain stay from the lower Appellate Court.

6.This revision is disposed of.

03.04.2024

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Judicial Magistrate No.I,
Kanchipuram.

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