



Crl.O.P.(MD)No.8225 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **26.02.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) No.8225 of 2022

Pattu ... Petitioner/Petitioner/Petitioner

Vs.

Maduraiveeran ... Respondent/Respondent/Respondent

PRAYER: Criminal Original Petition is filed to call for the records and to set aside the order passed in Crl.R.C.No.30 of 2020 by the learned Sessions Court (Mahila Court), Tiruchirappalli, dated 20.01.2022 confirming the order passed in M.C.No.17 of 2016 by the learned Chief Judicial Magistrate Court, Tiruchirappalli, dated 20.03.2020 and allow this petition and consequently, seeking an order for alteration in allowances for Rs.50,000/- p.m., under Section 127(1) of Cr.P.C.

For petitioner : Mr.S.Sitharthan

For Respondent : Mr.D.Selvanayagam

ORDER

This petition has been filed seeking to set aside the order passed in Crl.R.C.No.30 of 2020 by the learned Sessions Court (Mahila Court), Tiruchirappalli, dated 20.01.2022 confirming the order passed in



CrI.O.P.(MD)No.8225 of 2022

M.C.No.17 of 2016 by the learned Chief Judicial Magistrate Court, Tiruchirappalli, dated 20.03.2020 and allow this petition and consequently order for alteration in allowances for Rs.50,000/- p.m., under Section 127(1) of Cr.P.C.

2.The case of the petitioner is that the petitioner is the wife of the respondent. The petitioner filed a maintenance case in M.C.No.17 of 2016 before the learned Chief Judicial Magistrate, Trichy and the same was dismissed on 20.03.2020. Against which, the petitioner preferred a revision before the learned Sessions Judge Mahila Court, Tiruchirappalli in Criminal Revision Case No.30 of 2020 and the same was also dismissed on 20.01.2022. As against the concurrent findings, the petitioner filed the present petition before this Court.

3.The learned counsel for the petitioner would submit that initially, the petitioner filed M.C.No.08 of 2009 and the same was dismissed by the trial Court. Against which, the petitioner filed a criminal revision before the I Additional District Court, Trichy and the same was allowed and the petitioner was granted maintenance of Rs.4000/- per month and annual maintenance of Rs.10000/- and the same was set aside by this Court in the C.R.P. Proceedings. Thereafter, the petitioner preferred SLP



Crl.O.P.(MD)No.8225 of 2022

before the Hon'ble Supreme Court of India in SLA (Crl.No.4627/2014).

The Hon'ble Apex Court confirmed the order of the I Additional District Court, Trichy and granted Rs.4000/- per month and Rs.10,000/- per annum as maintenance from the date of application. Thereafter, again the petitioner filed M.C.No.17 of 2016 and the same was dismissed, it was confirmed by the Lower Appellate Court. He would further submit that initially the Lower Appellate Court ordered Rs.4000/- per month as maintenance and Rs.10,000/- per annum for additional maintenance in the year 2016 and even after a lapse of 8 years, she received only Rs.4,000/- which is not sustainable one.

4.The learned counsel for the respondent would submit that it is a maintenance case filed under Section 127 of Cr.P.C., similarly, the petitioner/wife filed a Domestic Violence Case, in which, the trial Court ordered Rs.4,000/-. However, in both cases, the petitioner has ready to deposit Rs.15,000/- per month to the petitioner's bank account towards maintenance and shelter, which was already ordered by the trial Court, from 01.03.2024 onwards.

5.The learned counsel for the petitioner also agreed to receive Rs.15,000/- per month towards maintenance and shelter.



Crl.O.P.(MD)No.8225 of 2022

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6.In view of the above consent expressed by the learned counsel on either side, this Court is inclined to issue a direction to the respondent to deposit a sum Rs.15,000/- (Rupees Fifteen Thousand only) per month to the petitioner's bank account towards maintenance and shelter, from 01.03.2024 onwards.

7.Accordingly, the order passed in Crl.R.C.No.30 of 2020 by the learned Sessions Court (Mahila Court), Tiruchirappalli, dated 20.01.2022 and the order passed in M.C.No.17 of 2016 by the learned Chief Judicial Magistrate Court, Tiruchirappalli, dated 20.03.2020 are set aside. The Criminal Original Petition is allowed.

26.02.2024

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

- 1.The Sessions Court (Mahila Court), Tiruchirappalli.
- 2.The Chief Judicial Magistrate Court, Tiruchirappalli
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.8225 of 2022

M.DHANDAPANI. J.

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Crl.O.P.(MD)No.8225 of 2022

26.02.2024