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Crl.R.C.No.178 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No. 178 of 2023

and

Crl.M.P.No.1397 of 2023

P.Amaresan

... Petitioner

..VS..

1. S.Sumathi @ Hemalatha

2. Minor Promodh

... Respondents

Criminal Revision Case filed under Sections 397 read with 401 Cr.P.C., to set aside the order dated 20.10.2022 in Cr.M.P.No.462 of 2018 in C.R.P.No.Nil of 2018 passed by the learned Principal District Judge, Vellore and allow the Criminal Revision Petition.

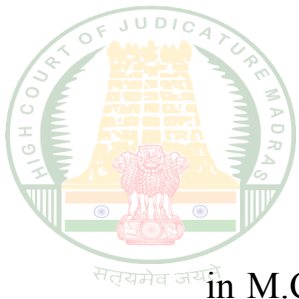
For Petitioner : Mr.S.Sathia Chandran

For Respondents : Mr.E.Kannadasan

ORDER

This Criminal Revision Petition is filed against the order dated 20.10.2022 passed in Cr.M.P.No.462 of 2018 in C.R.P.No.Nil of 2018 by the learned Principal District Judge, Vellore.

2. According to the petitioner-husband, as against the order passed



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in M.C.No.12 of 2011, dated 12.08.2014 by the learned District Munsif-cum-Judicial Magistrate, Arcot, he filed a revision petition along with the petition seeking condonation of delay, in the year 2018 before the Principal District Judge, Vellore. The learned Sessions Judge, *vide* order dated 20.10.2022 dismissed the delay petition. Challenging the said dismissal order, the present revision petition is filed.

3. It is seen from the records that the petitioner is the husband and respondents 1 and 2 are wife and minor son of the petitioner. The first respondent-wife filed a maintenance case in M.C.No.12 of 2011 and the Court below, *vide* order dated 12.08.2014, allowed the said case and directed the petitioner-husband to pay maintenance amount of Rs.7,000/- per month to the respondents, out of which, Rs.3,000/- to be paid to the first respondent-wife and Rs.4,000/- to be paid to the second respondent-minor son. Subsequently, the petitioner-husband filed the revision petition with a delay of 1160 days before the learned Principal District Judge, Vellore. The learned Sessions Judge, after appreciating the entire materials found that, since the petitioner purposefully failed to pay maintenance to his wife and his child for years together and also the



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petitioner has failed to prove the petition averments and the reasons stated by the petitioner for delay in filing the petition i.e., (i) the petitioner alone is the person to take care of his sick mother and spent his entire income for the medical expenses; and (ii) the petitioner was dismissed from his service and he has no employment and dismissed the petition on 20.10.2022.

4. The main contention of the petitioner-husband is that he was terminated/retrenched from service by his Company due to heavy financial loss incurred in the Company and he has not received any salary and service benefits from the concerned Company, and now, he is in an indigent position starving his livelihood along with his mother. Therefore, he was not able to file the revision petition within the limitation period and the delay in filing the revision is neither willful nor wanton. However, that may not be a reason for approaching the appellate Court with delay of 1160 days in filing the revision i.e., after 3 years.

5. Considering the facts and circumstances and also considering the submission of both sides, this Court does not find any perversity, illegality or infirmity in the order of the Court below and there is no merit



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in this petition and the same is liable to be dismissed.
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6. Accordingly, this Criminal Revision Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

7. The learned District Munsif-cum-Judicial Magistrate, Arcot, is directed to take steps to execute the warrant against the petitioner-husband in M.C.No.12 of 2011.

19.03.2025

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation Case : Yes/No
ms



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To

1. The District Munsif-cum-Judicial Magistrate,
Arcot.
2. The Principal District Judge,
Vellore.



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P.VELMURUGAN, J.

ms

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