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CrI.M.P.No.5042 of 2025
in
CrI.R.C.No.1360 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:17.03.2025

Coram:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CrI.M.P.No.5042 of 2025
in
CrI.R.C.No.1360 of 2019

1.J.K.Sathya,aged 37,
W/o Sivasankar.

2.Master S.Theja, (Minor)
S/o Sivasankar,
Represented by mother and natural guardian,
J.K.Sathya,
Residing at
No.1/57 Kannagi 2nd Street,
Venkataraman Nagar,
Korattur, Chennai 600 050.

Now under duress having,
Convict No.30149
Special Prison for Women,
Puzhal,Chennai.

.. Petitioners/Respondents

/versus/



Crl.M.P.No.5042 of 2025
in
Crl.R.C.No.1360 of 2019

WEB COPY

P.Sivasankar
S/o A.Perumal,
Flat No.7B, Yamuna Street, 2nd Street,
Ramalinga Nagar Main Road,
Madipakkam, Chennai 600 091.

.. Respondent/Petitioner

Criminal Miscellaneous Petition has been filed under Section 144(3) of BNSS to modify the order dated 14.07.2022 passed by this Hon'ble Court in Crl.R.C.No.1360 of 2019 against M.C.No.35 of 2015 on the file of the Hon'ble Judicial Magistrate, Ambattur.

For Petitioners :Mr.A.Thiyagarajan
Senior Counsel Asst.by
Mr.S.Ramesh Kumar
For Respondents :Mr.R.Senkarasubbu

ORDER

When the matter came up for hearing, it is submitted on behalf of Mr.B.Manoharan that they were originally holding the brief for the minor child and the mother. After the criminal revision was disposed of, the parties have taken away the bundle. The same is recorded.

2. However, it is seen that the petition is filed by Mr.Ramesh Kumar



Crl.M.P.No.5042 of 2025
in
Crl.R.C.No.1360 of 2019

WEB COPY

representing the minor child for modification of the earlier order. While disposing of the criminal revision, this Court considered the apprehension, that was made on behalf of the husband that the arrears amount that is deposited to the credit of the maintenance case, which is meant to be the maintenance amount for the child, should not be utilised for the purpose of defending the mother of the child in the murder case. Accordingly, the amounts were apportioned and every month Rs.4000/- was directed to be paid to the child and the rest was directed to be deposited in the MC account. Under such circumstances, this petition is filed.

3. It is stated that now the Sessions case is concluded and the mother is convicted. Therefore, they are seeking modification to withdraw the entire amount. The amount is sought to be withdrawn on the ground that there are expenses for the child in the form of school fees etc., which the grandfather is unable to pay.



CrI.M.P.No.5042 of 2025
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CrI.R.C.No.1360 of 2019

WEB COPY

4. Mr.S.Sankarasubbu, the learned counsel appearing on behalf of the father of the minor child would submit that the original apprehension is existence even as on today. Now the appeal is filed on behalf of the mother of the child in CrI.A.No.760 of 2024 and therefore, the amounts will be utilised only for the defence. He also undertakes that the major expenditure that is shown in the application is with reference to the school fees and bus fees. He submits that he will pay the entire school fees as well as the bus fees by himself. But it can also be seen that the expenditure for the child will also be increasing.

5. In view thereof, considering the apprehensions that are expressed on behalf of the father and taking into account the overall facts and circumstances of the case, the order passed in CrI.R.C.No.1360 of 2019 is modified on the following terms:-

(i)The petitioner in the criminal revision, namely, P.Sivashankar shall pay the entire school fees and the bus fees of the minor child. As indicated



Crl.M.P.No.5042 of 2025
in
Crl.R.C.No.1360 of 2019

WEB COPY

in the petition, the fees for the entire academic year 2025-2026 shall be paid directly to the school namely, BHAGTHAVATCHALAM VIDYASRAM, Korathur, Chennai 600 050.

(2) This apart, the petitioner henceforth from the month of April 2025 shall deposit a sum of Rs.7000/- to the account of the minor child and the balance of Rs.8,000/- shall be deposited to the credit of the M.C.No.35 of 2017 as per the original direction.

(3) The parties can move for further modification after the appeal is decided or depending on the further needs.

6. Accordingly, this Criminal Miscellaneous Petition is modified. No costs.

17.03.2025

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Netural citation:yes/no

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WEB COPY



CrI.M.P.No.5042 of 2025
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To

The Judicial Magistrate, Ambattur.



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Crl.M.P.No.5042 of 2025
in
Crl.R.C.No.1360 of 2019

D.BHARATHA CHAKRAVARTHY,J.

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Crl.M.P.No.5042 of 2025
in
Crl.R.C.No.1360 of 2019

17.03.2025