



Crl.R.C.(MD)No.721 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.721 of 2025

and

Crl.M.P(MD)No.7815 of 2025

R.Madhukumar

... Petitioner/Respondent

Vs.

1.M.Mohana

2.Minor.M.Lithika

3.Minor.M.Lakshana Arohi

... Respondents/Respondents

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the records of the order passed in M.C.No.8 of 2023 dated 06.06.2025 on the file of the Judicial Magistrate Court, Nilakottai allowed the M.C. Petition U/s. 125 of Cr.P.C. and to set aside the same.

For Petitioner : Mr.J.Sathishkumar

ORDER

This criminal revision case is filed challenging the order passed by the learned Judicial Magistrate, Nilakottai in M.C.No.8 of 2023, dated 06.06.2025.



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2. The learned counsel for the petitioner submitted that the impugned order should be set aside for the sole reason that the same was passed without giving an opportunity of hearing to the petitioner. The petitioner was set *ex parte* and thereafter, the order was passed. Though the impugned order has been passed recording the fact that the petitioner herein who was the respondent in maintenance case failed to appear before the learned Trial Court despite receipt of summons from the Court, the learned counsel for the petitioner categorically contended that it was not the petitioner who had actually received the summons from the Court, but it was some other person who had received the acknowledgement card and the said acknowledgement card was placed before me for my perusal. One Vijaya Eshwari has received the Court summons on behalf of the petitioner. However, he has no connection whatsoever with Vijaya Eshwari. In view of the same, he sought for interference of this Court.

3. Accordingly, the order impugned in the revision case is set aside



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and the matter is remanded back to the file of the learned Judicial Magistrate, Nilakottai for fresh adjudication and pass appropriate orders after giving an opportunity of hearing to the petitioner herein, within a period of three (3) months from the date of receipt of copy of this order. It is made clear that considering the fact that the petitioner is a practicing Advocate in Hosur and the trial is conducted at Nilakkottai, the appearance of the petitioner is dispensed with before the Trial Court, except when his appearance is required for the purpose of the case.

4. Accordingly, this Criminal Revision Case is disposed of. Consequently, connected Miscellaneous Petition is closed.

01.07.2025

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

- 1.The Judicial Magistrate Court,
Nilakottai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,

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L.VICTORIA GOWRI ,J.

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Order made in
Crl.R.C.(MD)No.721 of 2025

Dated: 01.07.2025