



Crl.O.P.(MD)No.1671 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1671 of 2025

P.Narayanasamy

: Petitioner

Vs.

Badmini

: Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to order in Crl.M.P.No.5304 of 2024 dated 05.11.2024 in Crl.Revision No.48 of 2023 pending on the file of the learned III Additional District and Sessions Judge, Tiruchirappalli and quash the same as illegal as far as against this petitioner concerned.

For Petitioner : Mr.S.Shanmugam

ORDER

The petitioner, estranged husband of the respondent, was directed by the learned Judicial Magistrate, Manapparai, in M.C.No.10 of 2021 by order dated 27.04.2023 directing the petitioner to pay monthly maintenance of Rs.5,000/- to the respondent. Aggrieved against the same,



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the petitioner had preferred a revision before the Sessions Court in Crl.R.C.No.48 of 2023. In the meanwhile, the respondent had filed Cr.M.P.No.4864 of 2023 seeking for execution of warrant for non-payment of maintenance amount. The petitioner had filed a petition in Cr.M.P.No.1368 of 2024 seeking to grant stay of all proceedings in Crl.M.P.No.4864 of 2023 and conditional stay was granted by order dated 21.09.2024 by the Sessions Court directing the petitioner to deposit a sum of Rs.50,000/- being the portion of the maintenance amount ordered on or before 03.10.2024. The petitioner thereafter had filed Cr.M.P.No.5304 of 2024 seeking extension and the trial Court had extended the period up to 28.10.2024 with condition that in the event of non-payment, the stay granted would automatically get vacated. The petitioner had paid the amount of RS.50,000/- to the respondent directly on 28.10.2024, instead of depositing in M.C.No.10 of 2021, which was not considered by the Sessions Court and in the adjudication dated 05.11.2024 and it had recorded that interim stay granted in Cr.M.P.No.5304 of 2024 and 1308 of 2024 are closed in terms of earlier conditional order not complied with. The contention of the petitioner is that the petitioner had already complied with the condition and paid Rs.50,000/- to the respondent directly on 28.10.2024 within time.



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2. Considering the submission and perusal of the materials, since it is only a technical error being committed in passing of the adjudication order dated 05.11.2024, this Court dispensed with notice to the respondent. In view of the above explanation and perusal of the document, it is seen that from the memo of payment of Rs.50,000/-by cash directly to the respondent has been acknowledged and she had signed the same on 28.10.2024. In view of the same, the impugned order passed on 05.11.2024 is hereby set aside and payment of Rs.50,000/- to the respondent is recorded as conditional order complied with. Hence, the conditional order passed in Cr.M.P.No.1368 of 2024 dated 21.09.2024 is restored.

3. With the above direction, this Criminal Original Petition is allowed.

29.01.2025

NCC : Yes/No
Index : Yes / No
Rmk



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To

- 1.III Additional District and Sessions Judge, Tiruchirappalli.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

Rmk

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