



CRL.R.C.(MD)No.1381 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 31.10.2025

CORAM

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CRL.R.C.(MD)No.1381 of 2025

and

CRL.M.P.(MD)No.15527 of 2025

1.V.Manikandan,
S/o. Velu,
No.36/40, 8th Veethi,
Bose Nagar Pudukottai District.

2.Gowri,
W/o. Velu
No.36/40, 8th Veethi,
Bose Nagar Pudukottai District.

3.S.Velu.
S/o. Shanmugam,
No.36/40, 8th Veethi,
Bose Nagar Pudukottai District.

4.Shanthi,
W/o.Kolanjinathan,
No.36/40, 8th Veethi,
Bose Nagar Pudukottai District.

... Petitioners

VS.

Selvi,
W/o. Manikandan,
Door No. 1/15, Kalathu Veedugal,
Old Kallupatti, Thogamalai, Karur District.

... Respondent



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PRAYER: Criminal Revision Case is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records pertaining to the order dated 28.07.2025 passed in Crl.M.P.No.806 of 2025 in Crl.A.Sr.No.1233 of 2025 on the file of the District and Sessions Judge, Karur in D.V.C.No. 17 of 2022 on the file of the learned Judicial Magistrate No.1, Kulithalai and to set aside the same.

For Petitioners :Mr.D.S.Haroon Rasheed

ORDER

Heard Mr.D.S.Haroon Rasheed, learned counsel for the Revision Petitioners. Since the Criminal Revision Petition is disposed of at the admission stage itself and in view of the order to be passed in this petition, notice to the Respondent is dispensed with.

2. This Criminal Revision Petition has been filed by the Revision Petitioners to set aside the order dated 28.07.2025, passed in Crl.M.P.No. 806 of 2025 in Crl.A.SR.No.1233 of 2025 on the file of the District and Sessions Court, Karur, whereby the lower Appellate Court dismissed the



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petition for delay condonation in filing the appeal due to non-compliance with the conditional order passed by the lower Appellate Court.

3.The facts of the case, which led to filing of the Criminal Revision Case bearing Crl.R.C.(MD) No.1381 of 2025, are as follows:-

i)The 1st Revision Petitioner and the Respondent are the husband and wife. The marriage between the 1st Revision Petitioner and the Respondent was solemnized on 30.10.2020, according to Hindu Rites and Customs and out of their wedlock, they were blessed with a baby girl. During marriage life, the Revision Petitioners have harassed the Respondent by demanding dowry and deserted the Respondent and her child. Hence, the Respondent has filed a petition in D.V.C.No.17 of 2022 under Section 12 of Domestic Violence Act before the Judicial Magistrate Court No.1, Kulithalai. The learned Judicial Magistrate No.1, Kulithalai, vide judgment, dated 15.12.2023, had ordered a sum of Rs.3,000/- per month for the Respondent and Rs.4,000/- per month for the Respondent's daughter as monthly maintenance and also directed the



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Revision Petitioners to pay a sum of Rs.25,000/- to the Respondent towards compensation for the domestic violence.

b)Challenging the same, the Revision Petitioners have preferred an appeal along with an application to condone the delay of 446 days in filing the appeal in Crl.M.P.No.806 of 2025 in Crl.A.SR.No.1233 of 2025 before the District and Sessions Court, Karur. The learned District and Sessions Judge, Karur, by order dated 10.07.2025, allowed the said petition on condition that the 1st Revision Petitioner shall deposit a sum of Rs.1,25,000/- being 50% of the arrears of maintenance to the credit of D.V.C.No.17 of 2022 on the file of the learned Judicial Magistrate No.I, Kulithalai on or before 25.07.2025, failing which the petition shall stands dismissed automatically. When the matter was posted for compliance, on 25.07.2025, there was no representation for the Revision Petitioners and the case was adjourned to 28.07.2025. Since the conditional order dated 10.07.2025 was not complied with, the learned District and Sessions Judge, Karur court by the impugned order, dated 28.07.2025, dismissed said petition as per the order dated 10.07.2025. Challenging the same, the present Criminal Revision Petition is filed.



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4. Mr.D.S.Haroon Rasheed, learned Counsel for the Revision Petitioners submits that the case filed by the Respondent in D.V.C.No.17 of 2022 was not decided on merits. The 3rd Revision Petitioner was suffering from an ailment and had to visit the hospital frequently. Meanwhile, the 1st Revision Petitioner was out of station, and the other Revision Petitioners did not take care of the 3rd Revision Petitioner. Due to these reasons, the 1st Revision Petitioner was unable to file the appeal in time. The learned District and Sessions Judge, Karur, without properly appreciating the facts and evidence on record, erroneously dismissed the application filed by the Revision Petitioners in Crl.M.P.No.806 of 2025 in Crl.A.SR.No.1233 of 2025, seeking to condone the delay in filing the appeal, despite the Revision Petitioners having a reasonable cause for the delay.

5.I have considered the submission of the learned counsel for the Revision Petitioner and also perused the record.



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6.The learned counsel for the Revision Petitioners has not been able to point out any such illegality or impropriety or incorrectness in the impugned order, which may persuade this Court to interfere in the same. The conditional order imposed by the lower Appellate Court to deposit a sum of Rs.1,25,000/- being 50% of the arrears maintenance to the credit of D.V.C.No.17 of 2022 on the file of the learned Judicial Magistrate No.1, Kulithalai, on or before 25.07.2025, is a reasonable and justified. In the present days of rising prices and high cost of living, the order passed by the Judicial Magistrate No.1, Kulithalai, vide judgment, dated 15.12.2023 cannot be considered excessive or disproportionate. The Respondent/wife is entitled to receive maintenance and compensation, which cannot be denied. The fact that the 1st Revision Petitioner is the husband of the Respondent remains undisputed.

7.In such circumstances to meet the ends of justice, the impugned order dated 28.07.2025 passed by the learned District and Sessions Judge, Karur, does not require any interference. There is no illegality,



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impropriety and incorrectness in the impugned order and also there seems to be no abuse of Court's process.

8.In view of the above, the Criminal Revision Petition lacks merit and stands **dismissed** and the learned Judicial Magistrate No.I, Karaikudi, is directed to proceed the matter on merits and in accordance with law for recovery of the arrears amount and pay the same to the Respondent, forthwith. Consequently, connected miscellaneous petition stands closed.

9. Let a copy of this order be sent by the Registry to the learned Judicial Magistrate No.I, Karaikudi, within two weeks from today, for necessary compliance and information, to be kept in the file of the Trial Court record.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Nsr

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To:

- 1.The District and Sessions Judge, Karur.
- 2.The Judicial Magistrate No.1, Kulithalai.



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SHAMIM AHMED, J.

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