

**IN THE COURT OF THE II ADDITIONAL DISTRICT JUDGE,
SALEM.**

**PRESENT: Thiru. A. M. Ravi, B.A., B.L.,
II Additional District Judge, Salem.**

Tuesday, the 19th day of March 2024.

**C.M.P.No.1/2024 in C.R.P. No.5/2024
in
Crl.M.P.No.1577/2022 in M.C. No.3/2018
on the file of the Judicial Magistrate Court No.I, Sankari.**

Thangarasu

S/o. Porappa gounder

...Petitioner / Respondent.

/Vs/

1. Minor T. JeevaJothi(7)

D/o. Thangarasu

(Rep.by her Mother Peulrani)

2. Minor. T. Angeljothi (5)

D/o.Thangarasu

(Rep. By her Mother Peulrani)

... Respondent / Complainant.

Petition dated 26.02.2024 U/Sec. 389 (1) Cr.P.C., to suspend the sentence passed against the Petitioner by the learned Judicial Magistrate No.I, Sankari in CMP 1577/2022 dated 02.12.2022 in M.C.No.3/2018 till the disposal of the case.

This petition is coming on this day for hearing before me in the presence of Tr.M. Mekala, Tr.J.Samuel Vijay, Advocates for the Petitioner and of Thiru.P.Sakthivel, the learned Additional Public Prosecutor for the State and upon perusing the petition and affidavit, this Court passed the following :

ORDER

Heard both sides and perused the records.

The wife of the Petitioner / Appellant and their children filed a MC Petition U/s 125 of CrPC before the learned Judicial Magistrate, Sankari and the same was allowed and ordered that the Petitioner / Respondent given a maintenance amount of each Rs.3000/- per month to their minor children until they attained majority. But the Petitioner Thangaraju not given any paise to his children. Thereby on behalf of their children their mother filed a CMP petition in CMP 1577/2022 before the learned Judicial Magistrate No.I, Sankari and the same was allowed and ordered to undergo **Simple Imprisonment** for the period of **24 months**

3. Aggrieved the same the Petitioner / Appellant / Respondent filed a Revision petition prepared an appeal and filed before the Hon'ble Principal District Court Salem and the same was taken file as CRP.5/2024 and it was made over to this Court and pending before this Court.

4. On perusal of the case records it reveals that the Petitioner not paid any paise to their children and totally the arrear amount comes around Rs.2,88,000/- (Rs.6,000 x 48 months) and the Petitioner was remanded on 02.12.2022 for the past 3 months he is in judicial custody for more than 3 months, and the Petitioner / Appellant / Respondent already deposit a sum of

Rs.25,000/- towards the arrear maintenance before the trial Court as per the order of the Hon'ble Principal District Judge, Salem in CMP 3409/2023(Condone delay petition) dated 18.01.2024. Hence, this Court directed the Petitioner to deposit a sum of Rs.1,50,000/- before the trial Court and produce the receipt to that effect and after that the sentence imposed by the learned Judicial Magistrate No.I, Sankari is hereby Suspended till the disposal of the appeal, the Petitioner /Appellant / Respondent executing bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate No.I, Sankari and Petitioner/Appellant / Respondent should appear and sign before the learned Judicial Magistrate No.I, Sankari on 1st Monday of every month at 10:00 A.M until further orders.

Pronounced by me in open Court, this 19th day of March 2024.

sd/-A.M.Ravi
II Additional District Judge,
Salem.

Copy to : The Judicial Magistrate No.I, Sankari.