

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Cr1) No(s).576/2005

(From the judgement and order dated 03/12/2003 in CRLOP No. 20290/2003 of
The HIGH COURT OF JUDICATURE AT MADRAS)

V. RAMASAMY

Petitioner(s)

VERSUS

L. PRIYA @ PRIYA BHUVANESWARI & ANR.

Respondent(s)

WITH SLP(Cr1) NO. 578 of 2005

(With appln(s) for c/delay in filing SLP,exemption from filing O.T. and office report)

Date: 15/12/2006 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE D.K. JAIN

For Petitioner(s)

Mr. K.K. Mani, Adv.

Mr.K.B.Sandeep, Adv.

Mr.Mayur R.Shah, Adv.

For Respondent(s)

Mr.S.Guru Krishna Kumar, Adv.

Mr. S.R. Setia, Adv.

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

Leave granted.

Heard learned counsel for the appellant and learned
counsel for the respondents.

The appeals are disposed of in terms of the signed
order.

(R.K. Dhawan)

Court Master

(Veera Verma)

Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1337 OF 2006

(Arising out of SLP(Crl.) No.576/2005)

V. RAMASAMY

.... APPELLANT.

VERSUS

L.PRIYA @ PRYA BHUVANESWARI & ANR.

....RESPONDENTS.

WITH

CRL.A.NO.1344/2006

O R D E R

Delay condoned.

Leave granted.

The appellant herein was respondent in a proceeding initiated by the respondent herein under Section 125 of Cr.P.C. By the impugned order the learned Judicial Magistrate, Sholingur, directed that the appellant herein shall pay monthly amount of Rs.10,000/-. The appellant did not appear before the court and ex-parte order was passed. The appellant unsuccessfully challenged the order before the High Court.

We heard learned counsel for the appellant and learned counsel for the respondent.

As the appellant was not heard by the concerned Magistrate, we give an opportunity to the appellant to appear before the Magistrate

....2/-

and contest the proceedings. For the limited purpose, the order passed

by the Magistrate in M.C. No.1/2003 is set aside. The appellant would appear before the Magistrate on 27.1.2007 and the Magistrate will re-consider the case on merits and pass appropriate orders. Till such proceedings are concluded the appellant shall pay Rs.5,000/- per month to the respondent herein. Appellant shall also deposit Rs.25,000/- within a period of four weeks before the Magistrate. On deposition of such amount the respondent would be at liberty to withdraw the same. The Magistrate will also be entitled to pass appropriate orders if there is any arrears to be paid to the respondent.

The appeals are disposed of accordingly.

.....J
(K.G. BALAKRISHNAN)

.....J
(D.K. JAIN)

NEW DELHI;

DECEMBER 15, 2006.