

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.30396 of 2014

Selvam

...Petitioner

Vs

Maragadham

...Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order dated 25.07.2011 passed in Crl.R.C.No.46 of 2010 modifying the order of Judicial Magistrate dated 08.09.2010 passed in M.C.No.20 of 2008 on the file of the Judicial Magistrate, Tittagudi on the file of Sessions Court, Cuddalore.

For Petitioner : Mr.S.Mohan

For Respondent : Mr.V.Anand

O R D E R

Seeking to set aside the order of the Principal Sessions Judge, Cuddalore dated 25.07.2011 passed in Crl.R.C.No.46 of 2010 modifying the order of the Judicial Magistrate. Tittagudi dated 08.09.2010 passed in M.C.No.20 of 2008, the petitioner has come up with this petition.

2. I have heard the learned counsel for the petitioner and the learned counsel for the respondent and I have perused the records carefully.

3. It is seen that the petitioner is a respondent in M.C.No.20 of 2008 before the Judicial Magistrate, Tittagudi and orders under Section 125 Cr.P.C. was passed by the learned Magistrate in favour of the wife, aggrieved by which, the petitioner approached the Sessions Court in Crl.R.C.No.46 of 2010, which passed final orders on 25.07.2011. Challenging the order dated 25.07.2011 in Crl.R.C.No.46 of 2010, this petition has been

filed.

4. In the opinion of this Court, this Criminal Original petition is not maintainable, in view of the fact that the petitioner could have elected either this Court or the Sessions Court for revisional jurisdiction. Once the petitioner elected to go to the Sessions Court, he cannot further agitate before this Court by way of second revision or a petition under Section 482 Cr.P.C. Under such circumstances, this Criminal Original Petition is dismissed as not maintainable.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. Judicial Magistrate,
Tittagudi

2. The Public Prosecutor,
High Court, Madras

1 CC to Mr.S.Mohan, Advocate SR.No. 19159

1 CC to Mr.V.Anand, Advocate SR.No. 19451

Cr1.OP No.30396 of 2014

VSN (CO)

PSI (17.04.2015)

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