

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No. 13719 of 2015
and
M.P.Nos.1 and 2 of 2015

Babu

...Petitioner

Vs

1.Kalaiselvi
2.Sathya
3.Meena (Minor),
rep by 1st respondent and
Natural Guardian.

...Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the order dated 07.01.2015 in Crl.R.C.No.54 of 2014 on the file of I Additional District and Sessions Judge, Tindivanam and confirming the order dated 12.07.2014 passed in M.C.No.9 of 2005 before the Judicial Magistrate, Gingee, Villupuram District.

For Petitioner : Mr.S.Saravanakumar

ORDER

This Criminal Original Petition has been filed praying to set aside the order dated 07.01.2015 in Crl.R.C.No.54 of 2014 on the file of I Additional District and Sessions Judge, Tindivanam and confirming the order dated 12.07.2014 passed in M.C.No.9 of 2005 before the Judicial Magistrate, Gingee, Villupuram District.

2.Heard the learned counsel for the petitioner.

3.It is seen that the respondents have filed MC. No.9 of 2005 before the learned Judicial Magistrate, Gingee, Villupuram District under Section 125(1) Cr.P.C. and maintenance was awarded in their favour.

4. Aggrieved by the order passed by the Trial Court, the petitioner has filed CrI. R.C. No.54 of 2014 before the learned I Additional District and Sessions Judge, Tindivanam and after hearing both the parties, the same was dismissed on 07.01.2015. Challenging the said two orders, the petitioner had approached this Court by way of filing the present petition under Section 482 Cr.P.C.

5. When, once a party has elected to go to the Sessions Court, he cannot go by way of second revision by the High Court. In same cases, wherein grave injustice has occurred, a party can invoke the inherent jurisdiction. On a reading of the orders passed by the Courts below, this Court does not find any grave injustice for interference under Section 482 Cr.P.C. The respondents claimed maintenance under Section 125 Cr.P.C. and the Trial Court ordered a meager sum of Rs.1500/- for the first respondent and Rs.1000/- each for the two children, which order was confirmed by the Sessions Court in criminal revision case.

5. Under such circumstances, this Court finds no merits in this petition. Accordingly, the same is dismissed. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. I Additional District and Sessions Judge,
Tindivanam

2. The Judicial Magistrate, Gingee,
Villupuram District.

1 CC to Mr.S.Saravanakumar, Advocate SR.No. 31585

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and
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PPA (CO)
PSI (06.07.2015)