

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2015

CORAM

THE HON'BLE MR.JUSTICE S. MANIKUMAR

Criminal Revision Case No.944 of 2014

M.P.No.1 of 2014

Jaganathan .. Petitioner

Vs.

Jayanthi .. Respondent

Prayer:- Petition filed under Section 397 (1) r/w. 401 of Cr.P.C, praying to set aside the order, dated 02.08.2014, made in C.M.P.No.2323 of 2014 in C.M.P.No.1880 of 2012, on the file of the Judicial Magistrate No.I, Tiruvallur.

For Petitioners : Mr.D.Ashok Kumar

For Respondent : Mr.D.Senthil Kumar

O R D E R

This Criminal Revision Case is filed against the interim order of maintenance, granted by the learned Judicial Magistrate No.I, Tiruvallur, made in C.M.P.No.2323 of 2014, dated 02.08.2014.

2. Maintainability of the revision case, is raised, on the ground that in view of Section 29 of the Protection of Women from Domestic Violence Act, 2005, no revision is maintainable, against an interim order of maintenance.

3. After going through the decision made in CrI.R.C.(MD)No.287 of 2012, dated 09.01.2013 [Arivazhagan v. M.Uma], Mr.D.Ashok Kumar, learned counsel for the petitioner submitted that in view of the judgment, referred to above, the present revision is not maintainable. His submission is placed on record.

4. However, learned counsel for the petitioner seeks permission of this Court, to file an appeal, against the interim maintenance, before the appropriate forum. When a remedy is available in the statute, no leave need be given.

5. In view of the above, this Criminal Revision Petition is dismissed, as maintainable. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

Skm

To

1. The Judicial Magistrate No.I,
Tiruvallur.

2. The Section officer
ER Section
High Court, Madras

(To return the original impugned order in
C.M.P.No.2323/14 dated 2.8.2014
on the file of the Judicial Magistrate No.I,
Tiruvallur)

1 cc to M/s.C.Vijayakumar, advocate, Sr. 13472

सत्यमेव जयते

Cr1.R.C.No.944 of 2014

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