

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 30.06.2015

Delivered on : 03.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.No.15955 of 2015

T.G.Dhanasekaran

... Petitioner/Respondent

Versus

Mahalakshmi

... Respondent/Petitioner

Criminal Original petition filed under Section 482 of the Criminal Procedure Code praying to set aside the order dated 16.04.2015 passed against the petitioner in Crl.R.P.No.3 of 2014 on the file of the court Principal District Sessions Judge at Thiruvallur and partly allowed in MC.No.1 of 2010 on 11.06.2013 on the file of the Court of Judicial Magistrate at Tirutani.

For Petitioner : Mr.A.Sankar

O R D E R

This petition has been filed to set aside the order dated 16.04.2015 in Crl.R.P.No.3 of 2014 on the file of the learned Principal Sessions Judge, Thiruvallur modifying the order dated 11.12.2013 in MC.No.1 of 2010 on the file of the learned Judicial Magistrate, Tirutani.

2. Heard the learned counsel for the petitioner and perused the materials placed on record.

3. The petitioner/husband got married to the respondent/wife on 22.10.2007 and after marriage, due to differences of opinion, they were estranged. The respondent/wife filed MC.No.1 of 2010 before the learned Judicial Magistrate, Tiruttani, under Section 125 Cr.P.C claiming maintenance of Rs.3,000/- from the petitioner/husband. The Trial Court after enquiry, awarded maintenance of Rs.3,000/- per month, payable by the petitioner/husband to the respondent under Section 125 Cr.P.C.

4. Aggrieved by the order, the petitioner/husband approached the Principal Sessions Court, Tiruvallur in CRP.No.3 of 2014. The

learned Principal District and Sessions Judge, Tiruvallur went into the matter and partially modified the Trial Court's order as follows:

"CrI.R.P.No.3/2014

In the result the revision petition is partly allowed and the order passed by the learned Judicial Magistrate, Tiruttani in M.C.No.1/2010 dated 11.12.2013 is modified as under:

1.Till the disposal of IA.7/2012 in HMOP.230/2012 on the file of Sub Court, Poonamallee it is sufficient if the revision petitioner pay a total sum of Rs.3,000/- i.e., Rs.1,000/- towards maintenance in MC.1/2010 under section 125 Cr.P.C and Rs.2,000/- towards interim maintenance as per order of Sub Court, Poonamallee in IA.7/2012 in HMOP.230/2012.

2.The arrears accrued till the date of this order shall be paid in 3 bi-monthly equal installments."

5. Challenging the order passed by the learned Principal Sessions Judge, Tiruvallur, the petitioner/husband has approached this Court, invoking inherent jurisdiction under Section 482 Cr.P.C. The revisional jurisdiction of the Sessions Court is concurrent with that of the High Court and therefore, if a person elects to approach the Sessions Court, he is precluded by 397[3] from once again invoking the revisional jurisdiction of the High Court. Of course, a petition under Section 482 Cr.P.C is maintainable, where it is shown that there has been a manifest illegality or that failure of justice has occasioned.

6. In this case, the Trial Court after elaborate enquiry had ordered monthly maintenance of Rs.3,000/- in favour of the respondent/wife. The learned Principal Sessions Judge has taken into consideration, the orders passed in collateral proceedings and has reduced the maintenance, that was awarded by the Trial Court to the extent that, the respondent will get only Rs.3,000/- per month in aggregate.

7. This Court does not find any illegality, impropriety or failure of justice in the orders of the Courts below. In the result, this is not a fit case in which, the extraordinary inherent jurisdiction of this Court requires to be invoked and this petition stands dismissed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gya

To

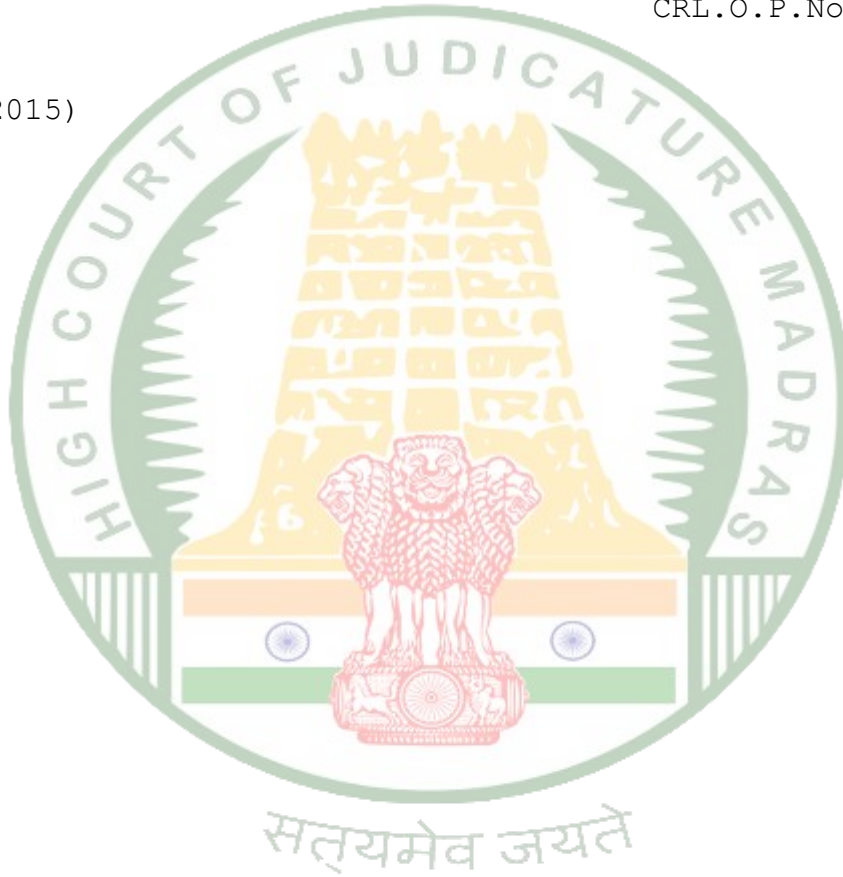
1.The Principal Sessions Judge,
Thiruvallur.

2.The Judicial Magistrate,
Tirutani.

+1cc to Mr.A.Sankar, Advocate, S.R.No.33243

CRL.O.P.No.15955 of 2015

RSI (CO)
CA(16/07/2015)



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