

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 622 of 2015

Tmt.Sujatha @Hasina Banu

.. Petitioner/Petitioner

Versus

Mr.Mohammed Jamesha

.. Respondent/Respondent

Criminal Revision Petition filed under Section 397 and 401 of Cr.P.C. against the judgment dated 06.4.2015 passed in Criminal Appeal No.24 of 2014 on the file of the District Sessions Court, Mahila Fast Track Court, Udhagamandalam and prays to set aside the same.

For Petitioner : Mr. K.V.Sridharan

ORDER

This revision has been filed against the judgment dated 06.4.2015 passed in Criminal Appeal No.24 of 2014 on the file of the District Sessions Court, Mahila Fast Track Court, Udhagamandalam.

2. The petitioner herein preferred a complaint to the Protection Officer of the Udhagamandalam and after enquiry, a Domestic Violence case was filed under Section 12 of the Domestic Violence Act and the same is pending in M.C.No.10 of 2013 before the Judicial Magistrate, Coonoor. Pending M.C., the petitioner filed petition in CMP.No.1960 of 2014 under Section 23 (1) seeking interim protection, interim residential and return of the property against the respondent and the same was allowed by order dated 08.8.2014. The operative portion of the said order read thus:

1. The respondent is hereby prohibited from committing any act of domestic Violence against the petitioner.

2. The respondent is hereby prohibited from in any way communicating or attempting to communicate with the petitioner whether personal, oral or written or electronic or telephonic contact.

3. The respondent is hereby prohibited from causing violence to the petitioner's son or other relatives who are now helping the petitioner to protect herself from the respondent's acts of domestic violence.

4. The respondent is directed to remove himself from the premises bearing Door No.4, Subramaniya Layout, Opposite Vishwanathapuram Thoodiyalur, Coimbatore.

5. The Protection Officer, Udhagamandalam is directed to enforce the order.

3. Aggrieved against the said order, the respondent/ husband preferred Criminal appeal in C.A.No.24 of 2014 and the learned District Sessions Court, Mahila Fast Track Court, Udhagamandalam, while partly confirming the order of the Judicial Magistrate, Coonoor, by judgment dated 06.4.2015, permitted the respondent herein to utilise the front room attached with toilet and pathroom in the premises bearing Door No.4, Subramaniya Layout, Opposite Vishwanathapuram, Thoodiyalur, Coimbatore. Aggrieved against the said judgment, the wife has filed the present petition.

4. When the matter is taken up today, the learned counsel for the petitioner seeks permission of this Court to withdraw this petition and he has also made an endorsement to that effect. However, the learned counsel prays that a direction may be issued to the Judicial Magistrate, Coonoor, to decide the M.C.No.10 of 2013 independently without taking note of the observation made by the learned District Sessions Court, Mahila Fast Track Court, Udhagamandalam.

5. In view of the above, this Criminal Revision Petition is dismissed as withdrawn. Consequently, connected miscellaneous petition is closed.

The learned Judicial Magistrate, Coonoor, is directed to dispose of the case in M.C.No.10 of 2013 independently in accordance with law.

Lsd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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To

1.Judicial Magistrate, Coonoor

2.The District Sessions Court, Mahila Fast Track Court, Udhagamandalam.

1 cc to Mr.K.V.Sridharan , Advocate Sr.No.33296

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