

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.20489 of 2015
and MP.No.1 of 2015

1.Kanagarathinam

2.Durga

.... Petitioners/Petitioners.

Vs

K.Ramachandran

.... Respondent/Respondent.

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records and set aside the order dated 31.03.2015 made in Crl.R.P.No.18 of 2014 on the file of I Additional District and Sessions Judge, Tiruppur modifying the order dated 18.07.2014 made in Crl.M.P.No.3916 of 2010 in D.V.A.No.1 of 2010 on the file of Judicial Magistrate, Avinashi and consequently, enhance the maintenance amount to the petitioners by allowing this criminal original petition.

For Petitioners : Mr.V.Anandhamurthy

O R D E R

This petition has been filed to set aside the order of the learned I Additional District and Sessions Judge, Tiruppur in Crl.R.P.No.18 of 2014 dated 31.03.2015 modifying the order dated 18.07.2014 in Crl.M.P.No.3916 of 2010 in D.V.A.No.1 of 2010 on the file of the learned Judicial Magistrate, Avinashi and to enhance the maintenance amount to them.

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

3. It is seen that this petitioner lodged proceedings under the Domestic Violence Act in DVA.No.1 of 2010 before the learned Judicial Magistrate, Avinashi and in Crl.M.P.No.3916 of 2010, the learned Magistrate awarded interim maintenance of Rs.1,500/- each per month. Aggrieved by which, the petitioners approached the Sessions Court in Crl.R.P.No.18 of 2014 and the learned I Additional District and Sessions Judge, modified the order of interim maintenance awarded by the Trial Court by enhancing it to Rs.3,000/- per month for each respondent. Not satisfied with the order passed by the Sessions Court, the petitioners are before this Court challenging the same.

4. The revisional jurisdiction of the Sessions Court is concurrent with the revisional jurisdiction of this Court and therefore, when a person approaches the Sessions Court invoking its revisional jurisdiction, he is precluded by Section 397[3] Cr.P.C from once again approaching this Court by way of a second revision. However, a petition under Section 482 is maintainable, of course under extraordinary circumstances, when it is shown that there has been violation of legal provisions resulting in manifest prejudice. In this case, this Court does not find any such violation, in the orders passed by the Courts below warranting interference under Section 482 Cr.P.C.

5. In the result, this petition is dismissed, with a direction to the learned Judicial Magistrate, Avinashi to dispose of DVA.No.1 of 2010 expeditiously, within a period of six weeks, from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

gya

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

- 1.The I Additional District and Sessions Judge,
Tiruppur.
- 2.The Judicial Magistrate,
Avinashi.

+ 1 cc to M/s.V.Anandhamurthy, Advocate SR 43035

rsi(co)
prk2/9

CRL.OP.No.20489 of 2015

WEB COPY