

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2015

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.21913 of 2015
and M.P.No.1 of 2015

1.Dinesh Kumar Surana
2.Ramesh Kumar Surana
3.Leela Surana
4.Susheela Surana
5.Abhishek Surana
6.Abijeet Surana
7.Ishan Surana
8.Milap Chand Surana
9.Kanchan Devi Surana
10.Suresh Kumar Surana
11.Pushpa Devi Surana
12.Praveen Surana
13.Pankaj Surana
14.Latha Surana

.... Petitioners

Vs.

Sunitha Surana

.... Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Cr.P.C., praying to call for the records pertaining to set aside the order dated 15.07.2015 passed in Crl.R.P.No.14 of 2014 passed by the Principal Sessions Judge, Tiruvallur, partly allowing the order dated 02.05.2014 passed by the Judicial Magistrate, Ambattur in C.M.P.No.5999 of 2013 in D.V.No.13 of 2013 and set aside the same.

For Petitioners

: Mr.R.Sankarappan

O R D E R

This Criminal Original Petition has been filed praying to set aside the order dated 15.07.2015 passed in Crl.R.P.No.14 of 2014 passed by the Principal Sessions Judge, Tiruvallur, partly allowing the order dated 02.05.2014 passed by the Judicial Magistrate, Ambattur in C.M.P.No.5999 of 2013 in D.V.No.23 of 2013.

2. Heard Mr.R.Sankarappan, the learned counsel for the petitioner

3. It is seen that these petitioners are respondents in D.V.No.23 of 2013 on the file of the learned Judicial Magistrate, Ambattur, in which interim orders were passed in C.M.P.No.5999 of 2014 in favour of the respondent/complainant. For the sake of convenience, the interim relief granted by the Trial Court is extracted hereunder :

1. The respondents are prevented from committing any kind of Domestic Violence either directly or indirectly to the petitioner and her daughter.
2. The respondents are directed to provide kitchen to the petitioner, petitioner's husband and their daughter in the house at No.9 & 10 Sivanandam Colony, Korattur, Chennai-600 085.
3. The respondents hereby directed to remove the CCTV Camera which have been fixed in front of the room wherein the petitioner, her husband, their daughter are residing.
4. The respondents shall not prevent the petitioner from obtaining cable connection in her expenditure.
5. The parents and brothers of the petitioner's husband are collectively directed to pay a sum of Rs.15,000/- per month to the petitioner and her daughter for their maintenance till the disposal of case in D.V.No.23 of 2013.
6. The respondents are directed to provide a duplicate key for the main gate lock, accordingly, the above interim order is passed.

4. Aggrieved by the order passed in C.M.P.No.5999 of 2014, the petitioners approached the Sessions Court, Thiruvallur by invoking its Criminal jurisdiction. The Sessions Court, Thiruvallur, after going into the entire facts of case, by a well considered order has modified the Trial Court's order by denying relief Nos.2, 5 and 6 and the Revisional Court has confirmed only relief Nos.1 and 4.

5. This Court does not find any infirmity in the order passed by the learned Sessions Judge, warranting interference under Section 482 Cr.P.C. It is trite law that, when once a person invokes the jurisdiction of the Sessions Court under Section 397 Cr.P.C., he is precluded from filing a second revision before this Court. However, Section 482 of Cr.P.C., is maintainable, where the order passed by the Court's below suffers from serious illegality, causing undue prejudice to the parties. This Court does not find any serious illegality in the order passed by the Sessions Court.

5. In the result, this Criminal Original Petition is dismissed as devoid of merits. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ds

TO

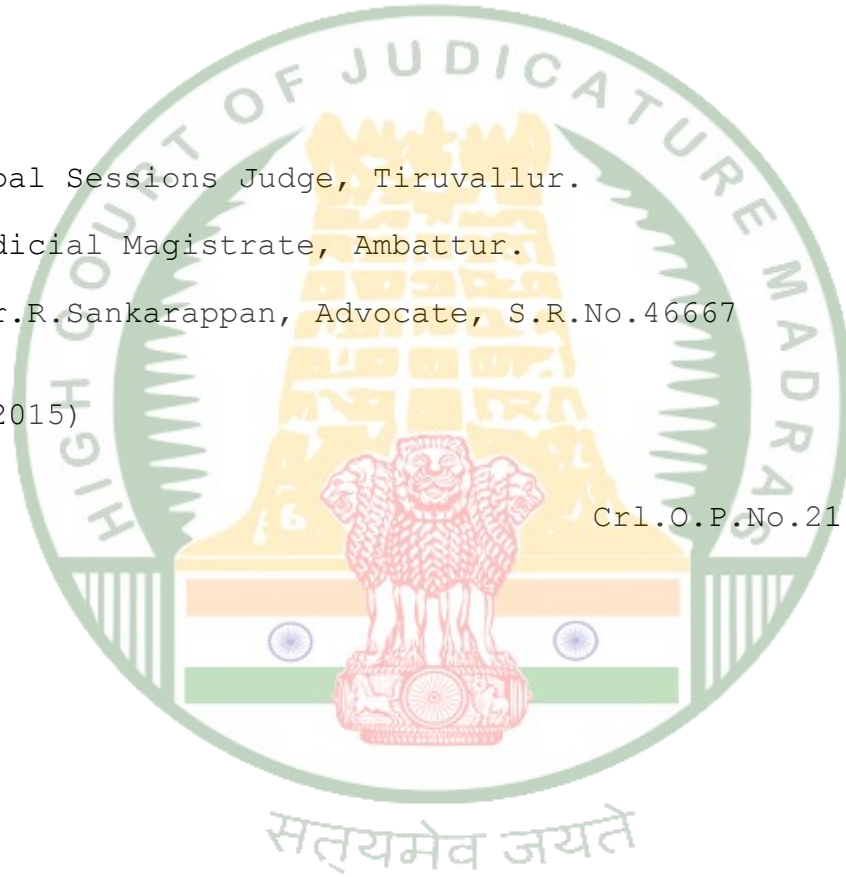
1. Principal Sessions Judge, Tiruvallur.

2. The Judicial Magistrate, Ambattur.

+lcc to Mr.R.Sankarappan, Advocate, S.R.No.46667

VGI (CO)
EU (21/09/2015)

Cr1.O.P.No.21913 of 2015



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