

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2015

Coram:

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

Crl.O.P.No.5116 of 2015
and
M.P.Nos.1 & 2 of 2015

Kathir Ahmed ... Petitioner

Vs.

1.Hajira @ Noor Jeshmi
2.Minor. Sofia
Rep.by her next guardian
Hajira @ Noor Jeshmi ... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to allow the petitioner by setting aside the order of maintenance passed in Crl.R.C.No.16 of 2014 dated 11.12.2014 on the file of the learned Additional District and Sessions Judge No.III, Thiruppathur, Vellore District, and modify the order in M.C.No.4 of 2013 dated 18.03.2014 on the file of the learned Additional District Munsif Cum Judicial Magistrate, Ambur, Vellore District.

For Petitioner : Mr.R.Margabandhu

ORDER

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

2.It is seen that the petitioner is the husband against whom the respondent/wife initiated proceedings under Section 125 Cr.P.C in M.C.No.4 of 2013 before the learned District Munsif -cum- Judicial Magistrate, Ambur, Vellore District and an order dated 18.03.2014 awarding maintenance was passed. Aggrieved by the

order of the learned Magistrate, the petitioner/husband herein approached the Sessions Court in CrI.R.C.No.16 of 2014 and the learned Sessions Judge, by order dated 11.12.2014, modified the order passed by the learned Judicial Magistrate.

3.Now, this petition has been filed under Section 482 Cr.P.C by the petitioner/husband on the ground that the wife has been divorced. In the considered opinion of this Court, a second revision is not maintainable, once a party has elected to go to the Sessions Court. A petition under Section 482 Cr.P.C cannot be filed, unless there is grave injustice. In the facts of this case, this Court finds no grave injustice has occurred to the petitioner. If there is any change in circumstance, it is always open to the petitioner to approach under Section 127 Cr.P.C. before the learned Magistrate.

With the above observations, this Criminal Original Petition is closed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

mps

To

1.The Additional District and Sessions Judge No.III,
Thiruppathur,
Vellore District.

2.The Additional District Munsif -cum- Judicial Magistrate,
Ambur, Vellore District.

1 cc to M/s.R. Margabandhu, Advocate, Sr. 19931

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PPA (CO)
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