

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP No.11622 of 2016 and

CrI.M.P.No.5923 of 2016

Venkatesan

..Petitioner

Vs

Anusuya

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order passed by the Principal District and Sessions Judge, Tiruvarur in Criminal Revision Petition No.17 of 2014 dated 07.08.2015 modifying the order passed by the learned Chief Judicial Magistrate, Tiruvarur in M.C.No.19 of 2013 dated 30.10.2014 by allowing this petition.

For Petitioner : Mr.C.Munusamy

O R D E R

This petition has been filed to set aside the order passed by the Principal District and Sessions Judge, Tiruvarur in CRP No.17 of 2014 dated 07.08.2015 modifying the order passed by the learned Chief Judicial Magistrate, Tiruvarur in M.C.No.19 of 2013 dated 30.10.2014 by allowing this petition.

2. Heard the learned counsel for the petitioner.

3. It is seen that this petitioner got married to the respondent on 11.03.2001 and they had one child through the wedlock. Their matrimonial life got estranged, pursuant to which the respondent filed M.C.No.19/2013 u/s 125 Cr.P.C. before the Chief Judicial Magistrate, Tiruvarur. After contest, the Chief Judicial Magistrate, Tiruvarur awarded maintenance of Rs.3,000/- per month payable by the petitioner to his wife. Aggrieved by the order passed by the Chief Judicial Magistrate, the petitioner filed CrI.R.P.No.17/2014 before the Sessions Judge, Tiruvar and the Principal District Judge and Sessions Judge, Tiruvarur modified the order and directed the petitioner to pay a sum of Rs.2,500/- per month, challenging which the petitioner is before this Court.

4. U/s 397(3) Cr.P.C., once a person approaches the Sessions Court invoking its revisional jurisdiction, he is precluded from approaching the High Court. Of course, a petition u/s 482 Cr.P.C. is maintainable, provided it is shown that gross injustice and prejudice has been suffered by the party. In this case, both the Courts have appreciated the evidence on record and has awarded a paltry sum as maintenance to the wife. The provisions of Section 125 Cr.P.C. is a beneficial legislation where a deserted wife has to be maintained by her husband. This Court does not find any serious infirmity in the orders passed by the Courts below.

In the result, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

gms

To

- 1.The Principal District and Sessions Judge, Tiruvarur.
- 2.The Chief Judicial Magistrate, Tiruvarur.
- 3.The Public Prosecutor, High Court, Madras.

1 cc to M/s.C.Munusamy, Advocate, sr.31371

Cr1.OP No.11622 of 2016

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kra 28.06.2016

सत्यमेव जयते

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