

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.09.2016

Coram

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

Crl.R.C.No.1102 of 2016

and Crl.MP.9576 of 2016

Senthilnathan

.. Petitioner

Vs.

Kamatchi

.. Respondent

Prayer :- Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C. to set aside the order dated 04.03.2016 made in M.C.No.6 of 2015 in CMP.No.519 of 2016 on the file Judicial Magistrate No.I, Ponneri.

For Petitioner : Mr.P.Jagadeesan

ORDER

The criminal revision petition is directed against the order passed by the learned Judicial Magistrate No.I, Ponneri in M.C.No.6 of 2015 in CMP.No.519 of 2016 dated 04.03.2016 under section 20 of the Domestic Violence Act.

2.The learned counsel for the petitioner would contend that the criminal revision would lie before this Court against the order of learned Judicial Magistrate No.I, Ponneri in M.C.No.6 of 2015 in CMP.No.519 of 2016 dated 04.03.2016 on the petition filed by the respondent herein/wife.

3. In the above said circumstances, it is useful to extract Section 29 of the Protection of Women from Domestic Violence Act, 2005 which read as follows :-

"29. Appeal - There shall lie an appeal to the Court of Session within thirty days from the date on which the order made by the Magistrate is served on the aggrieved person or the respondent, as the case

may be, whichever is later."

4. In view of the above said provisions, the person convicted before the trial court/Judicial Magistrate has right to file appeal before the Sessions Judge and also in the case of acquittal, the appeal shall lie before the appellate Court to which the appeal ordinarily lie, the appeal has to be necessarily preferred before the concerned Sessions Court.

5.If any person, aggrieved over the said order passed by the learned Judicial Magistrate No.I, Ponneri, he has to prefer appeal before Sessions Court. But the present revision is preferred by the revision petitioner without invoking section 29 of the Domestic Violence Act. The revision petitioner has every right to prefer an appeal before the Sessions Judge of the concerned District. If the petitioner is aggrieved over the order of the learned Judicial Magistrate No.I, Ponneri, they has to prefer an appeal before the concerned Court and without following the above said procedure, the petitioner, straightaway, filed the revision petition before this Court which is not at all maintainable and the revision is liable to be dismissed.

6. In the result, the criminal revision petition stands dismissed, with liberty to the petitioner to approach the competent court in accordance with law. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

To

The Judicial Magistrate,
No.I, Ponneri.

+1 CC to the M/s. P. Jagadeesan, Advocate Sr.No.52131

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AD (CO)
MD : 07/10/2016