

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.8892 of 2016

And

Crl.M.P.No.4641 of 2016

Basheer Ahamed

..Petitioner/Petitioner/Respondent

Vs

Rehayathubee @ Reheyae Bee . .Respondent/Respondent/Petitioner

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the Judgment dated 28.01.2016 passed by the learned III Additional Sessions Judge, Villupuram @ Kallakurichi in Crl.R.C.No. 67 of 2014 concurring with the Judgement dated 16.08.2014 made in M.C.No. 25 of 2013 on the file of the Judicial Magistrate, Kallakurichi filed under Section 125 of Cr.P.C., and allow the Criminal Original Petition.

For Petitioner : Mr. R.Kumaravel
For Respondent : Mr.C.Emalias, APP

ORDER

This petition has been filed to set aside the Judgment dated 28.01.2016 passed by the learned III Additional Sessions Judge, Villupuram @ Kallakurichi in Crl.R.C.No. 67 of 2014 concurring with the Judgement dated 16.08.2014 made in M.C.No. 25 of 2013 on the file of the Judicial Magistrate, Kallakurichi filed under Section 125 of Cr.P.C., and allow the Criminal Original Petition.

2. Heard the learned counsel for the petitioner.

3. For the sake of convenience, the parties will be referred to as their names.

4. Rehayathubee @ Reheyae Bee, aged about 80 years, filed a petition in M.C.No. 25 of 2013 before the learned Judicial Magistrate, Kallakurichi, under Section 125 Cr.P.C., against her son, viz., Basheer Ahamed, seeking maintenance. The learned Judicial Magistrate, Kallakurichi, by an order dated 16.10.2014 in M.C.No. 25 of 2013, directed the said Basheer Ahamed to pay a sum of Rs.3,000/- per month as maintenance to his mother,

aggrieved by which, Basheer Ahamed filed a Criminal Revision Petition in CrI.R.C.No. 67 of 2014 invoking Sections 397 and 399 Cr.P.C, before the learned III Additional Sessions Court, Villupuram and the case was heard by the learned III Additional Sessions Court, Villupuram and the order passed by the trial Court was confirmed on 28.01.2016. Challenging the orders passed by the Courts below, Bazeer Ahamed is before this court invoking the inherent jurisdiction under Section 482 Cr.P.C.

5. Under Section 397 Cr.P.C., the High Court and the Sessions Court have concurrent jurisdiction and if a person elects to approach the Sessions Court, he is precluded from moving the High Court by way of second revision. However, a petition filed for direction under Section 482 Cr.P.C. is maintainable, where it is shown that gross injustice has occurred by virtue of the orders passed by the Courts below.

6. This Court does not find any grave illegality or infirmity in the orders passed by the Courts below, inasmuch as, the son has been directed to pay a sum of Rs.3,000/- per month to his aged mother as maintenance.

7. In view of the above, the Criminal Original Petition is dismissed as devoid of merits. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. III Additional Sessions Judge,
Villupuram @ Kallakurichi.

2. The Judicial Magistrate,
Kallakurichi.

+1cc to Mr.R.Kumaravel, Advocate sr.29719

CrI.OP No.8892 of 2016

GJ II[co]
srg 11/07/2016