



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

WEB COPY

Criminal Original Petition (MD) No.22904 of 2015

and

M.P.(MD) No.1 of 2015 & CrI.M.P.(MD) No.1495 of 2016

D.Singaravel

... Petitioner/Respondent/
Respondent

vs.

1.S.Sudha

2.Minor.Sujith

(rep.by his mother /
Natural Guardian R1)

... Respondents/Petitioners/
Petitioners

PRAYER: This petition is filed under Section 482 Cr.P.C., to set-aside the order of the learned Additional District and Sessions Judge, Dindigul, passed in C.R.P.No.13 of 2014, dated 13.07.2015, modifying the order, dated 09.05.2012, passed by the Judicial Magistrate, Palani, in M.C.No.16 of 2008.

For Petitioner : Mr.S.Mahendrapathy

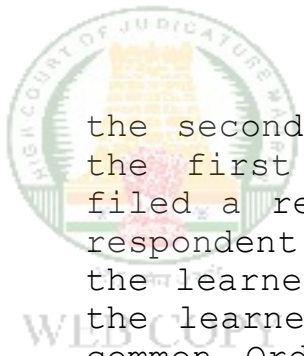
For Respondents : Mr.K.Gokul

ORDER

The petitioner has filed this criminal original petition, under Section 482 of the Code of Criminal Procedure, seeking set-aside of the order, dated 13.07.2015, passed in C.R.P.No.13 of 2014, by the learned Additional District and Sessions Judge, Dindigul, modifying the order, dated 09.05.2012, passed in M.C.No.16 of 2008, by the learned Judicial Magistrate, Palani.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3. It is seen that the petitioner got married to the first respondent on 22.08.2004 and through the wedlock the second respondent was born to them. Since the petitioner was not maintaining the respondents, they filed a maintenance case in M.C.No.16 of 2008, under Section 125 Cr.P.C., before the learned Judicial Magistrate, Palani. The learned Judicial Magistrate, Palani, after hearing both sides, by Order dated 09.05.2012, directed the petitioner / husband to pay a sum of Rs.7,000/- to



the second respondent / child and no maintenance was awarded for the first respondent / wife, challenging which the petitioner filed a revision in C.R.P.No.12 of 2014 and similarly the first respondent also filed a revision in C.R.P.No.13 of 2014, before the learned Additional District and Sessions Judge, Dindigul, and the learned Additional District and Sessions Judge, Dindigul, by common Order, dated 13.07.2015, reduced the maintenance awarded for the second respondent / child from Rs.7,000/- to Rs.5,000/- and ordered maintenance of Rs.5,000/- to the first respondent also payable by petitioner / husband. Challenging the Order, dated 13.07.2015, passed in C.R.P.No.13 of 2014, the petitioner is before this Court.

4. Under Section 397(2) Cr.P.C., when a person approaches the Sessions Court having revisional jurisdiction, he is precluded from approaching the High Court. However, a petition under Section 482 Cr.P.C., is maintainable if it is shown that there is a manifest, unjust or illegal committed by the Court below.

5. On a careful reading of the Order, dated 13.07.2015, passed by the Court below, this Court does not find any illegality or impropriety warranting interference of this Court, infact both the Courts below have analyzed the evidences on record and awarded maintenance. Under such circumstances, this criminal original petition is liable to be dismissed.

6. In the result, this criminal original petition fails and it is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Additional District and Sessions Judge,
Dindigul.
2. The Judicial Magistrate, Palani.

+ 1 CC TO M/S.S.MAHENDRAPATHY, ADVOCATE IN SR NO. 24874

+ 1 CC TO M/S.K.GOKUL, ADVOCATE IN SR NO. 24875

KRK

TE/AAL-MPA/SAR-III : 06/05/2016 : 2P/5C

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and

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Cr1.M.P.(MD) No.1495 of 2016
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