



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2016

CORAM

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP(MD) No.4653 of 2016

and

Crl.M.P. (MD)No.2331 of 2016

Jeeva @ Jeevanandam

.. Petitioner/Revision Petitioner/
Respondent

Vs

1.Baby @ Chandravathan

2.Minor Luxica

3.Minor Kishore

both minors represented by their

Mother and Natural guardian

1st respondent... Respondents/Respondents/
Petitioners

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the order dated 11.12.2015 in Crl.R.P.No.16 of 2010 before the learned Sessions Judge, Sivagangai partly confirming the order dated 11.08.2010 passed in M.C.No.17 of 2007 on the file of the learned Judicial Magistrate, Karaikudi and set aside the same.

For Petitioner : Mr.S.Manikandan

For Respondent : Mr.V.Rajarajan,

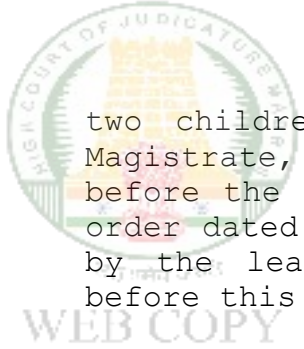
Government Advocate (Crl.side)

ORDER

This petition has been filed to call for the records relating to the order dated 11.12.2015 in Crl.R.P.No.16 of 2010 before the learned Sessions Judge, Sivagangai partly confirming the order dated 11.08.2010 passed in M.C.No.17 of 2007 on the file of the learned Judicial Magistrate, Karaikudi and set aside the same.

2. Heard the learned Counsel for the petitioner.

3. For the sake of convenience, the parties will be referred to by their names. Jeeva (husband) got married to Baby on 12.06.1995 and through their wedlock, they have two children viz., Minor Luxica and Minor Kishore. It appears that their marriage ran into rough weather resulting in, the parties filed an application for divorce by mutual consent and a decree of mutual consent was granted. Thereafter, Baby preferred an application in M.C.No.17 of 2007 before the learned Judicial Magistrate, Karaikudi under Section 125 Cr.P.C. claiming maintenance and the learned Judicial Magistrate, on 11.08.2010, ordered maintenance of Rs.2,500/- (Rupees Two Thousand Five Hundred Only) each for Baby and her



two children. Challenging the order passed by the learned Judicial Magistrate, Jeeva filed a revision petition in CrI.R.P.No.16 of 2010 before the Sessions Court, Sivagangai and the learned Sessions Judge, by order dated 11.12.2015, dismissed the same and confirmed the order passed by the learned Judicial Magistrate. Challenging the same, Jeeva is before this Court under Section 482 Cr.P.C.

4. under Section 397(3) Cr.P.C., when once a party approaches the Sessions Court, he is precluded from filing a second revision before the High Court. However, a petition under Section 482 Cr.P.C. is maintainable where it is shown that there has been a manifest illegality in the orders passed by the Courts below.

5. In this case, the learned Counsel appearing for the petitioner submitted that since Jeeva and Baby had divorce by mutual consent, Baby will not be entitled to maintenance. This aspect has been dealt with by the trial Court and the Revisional Court and negatived. It is settled law, even a divorce woman is entitled to claim maintenance under Section 125 Cr.P.C.. It is seen that a sum of Rs.2,500/- (Rupees Two Thousand Five Hundred only) that has been awarded by the Courts below is a paltry sum in today's standard of living. Therefore, this Court does not find any infirmity or illegality in the orders passed by the Courts below by invoking inherent powers under Section 482 Cr.P.C. Accordingly, this Criminal Original Petition is devoid of merits and the same is dismissed. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The District and Sessions Judge, Sivagangai.
2. The Judicial Magistrate, Karaikudi.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO M/S.MANIKANDAN, ADVOCATE IN SR NO. 15713

SSL

TE/JGB-DP/ : 29/03/2016 : 2P/5C

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and
CrI.M.P. (MD) No.2331 of 2016
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