

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2017

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.R.C.No.644 of 2015

Mangalanayaki

... Petitioner

Vs

Manikandan

... Respondent

Criminal Revision Case filed under section 397 r/w 401 of the Code of Criminal Procedure, to aside the order in M.C.No.4 of 2011 dated 18.12.2014 by the learned Judicial Magistrate No.II, Chidambaram and allow the revision case.

For Petitioner : Mr.K.Balakrishnan

For Respondent : Mr.N.S.Amarnath

O R D E R

This Criminal Revision Case has been filed against the order passed by the learned Judicial Magistrate No.II, Chidambaram in M.C.No.4 of 2011 dated 18.12.2014.

2. Earlier, the petitioner filed a petition in M.C.No.4 of 2011 under Sections 12,18,19,20,22 and 23 of Protection of Women's from the Domestic Violence Act. The Court below, after hearing the parties, passed an order of granting maintenance alone and not considered the other prayers sought for by the petitioner. Aggrieved against the said order, the petitioner filed a present criminal revision case.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and perused the materials available on record.

4. The learned counsel appearing for the respondent would submit that the appeal against the order passed by the learned Judicial Magistrate would lies only to the Court of Sessions under Section 29 of Protection of Women's from the Domestic Violence Act and without availing the appeal remedy, the present criminal revision case has been filed and the same is not maintainable.

5. Section 29 of Protection of Women's from the Domestic Violence Act provides an appeal against any order of the Judicial Magistrate. The petitioner can file only an appeal under Section 29 of Protection of Women's from the Domestic Violence Act and she cannot file criminal revision case under Sections 397 and 401 of Cr.P.C. Hence, the Criminal Revision Case is dismissed as not maintainable. Liberty is given to the petitioner to file an appeal before the Sessions Court. The Registry is directed to return the original order passed by the Court below.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

rrg

To

- 1.The Judicial Magistrate No.II,
Chidambaram.
- 2.Do Through the Chief Judicial Magistrate,
Cuddalore District.

Copy To

The Section Officer,
Criminal Section,
High Court, Madras 104.

+1cc to Mr.N.S.Amarnath, Advocate, S.R.No.22374

+2cc's to Mr.K.Balakrishnan, Advocate, S.R.No.22297

Cr1.R.C.No.644 of 2015

SV(CO)
CA(02/05/2017)

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