



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.03.2017

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

**Crl.O.P.(MD) No.3089 of 2017
and Crl.M.P.No.2348 of 2017**

Pauldurai ... Petitioner

-vs-

1.Annamani

2.Minor Ajithkumar

3.Minor Deepika Thangam

4.Minor Priya Dharshini ... Respondents
(Respondents 2 to4 are rep.by their natural
Mother and natural Guardian Annamani/1st Respondent)

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to set aside the order of the learned IV Additional District and Sessions Judge, Tirunelveli Division at Tirunelveli dated 06.12.2014 made in Crl.R.C.No.7 of 2014 modifying the order of learned Judicial Magistrate, Sankarankovil, Tirunelveli District dated 19.07.2013 made in M.C.No.16/2010.

For Petitioner : Mr.S.Palanivelayutham

O R D E R

This petition has been filed against the order of the learned IV Additional District and Sessions Judge, Tirunelveli Division at Tirunelveli dated 06.12.2014 made in Crl.R.C.No.7 of 2014 modifying the order of learned Judicial Magistrate, Sankarankovil, Tirunelveli District dated 19.07.2013 made in M.C.No.16/2010.

2.Annamani filed M.C.No.16/2010 before the Judicial Magistrate, Sankarankovil under Section 125 Cr.P.C. claiming maintenance for herself and her three minor children against Pauldurai, in which, the learned Judicial Magistrate, Sankarankovil passed final orders on 19.07.2013, thereby, Pauldurai was directed to pay Rs.2,000/- per month as maintenance. Aggrieved by the order, Pauldurai filed Crl.R.C.No.7/2014 and the same was heard by the learned IV Additional District and Sessions Judge, Tirunelveli, in which, final orders were passed on 06.02.2014, by



which, maintenance amount was reduced from Rs.2,000/- to Rs.1,500/-. Challenging which, Pauldurai is before this Court with this petition in the year 2017.

3. Heard the learned counsel for the petitioner.

WEB COPY

4. Under Section 397 of the Code of Criminal Procedure, when once a party moves the Sessions Court, he is precluded from moving the High Court by way of second revision. However, a petition under Section 482 Cr.P.C. is maintainable, when it is shown that the orders passed by the Courts below are on the face of it illegal and perverse. In this case, both the Courts have gone into the factual aspects and have awarded maintenance to the children, in fact, the Sessions Court had reduced the maintenance amount from Rs.2,000/- to Rs.1,500/-. When there is concurrent findings on facts, there is no scope for interference in a petition under Section 482 Cr.P.C. That apart, for an order has been passed by the sessions Judge in the year 2014, this petition under Section 482 Cr.P.C. has been filed in the year 2017 and on this short ground alone, this petition is liable to be dismissed on the ground of laches.

5. In the result, this petition is devoid of merits and accordingly, the same is dismissed. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Protocol)

/True copy/

Sub Assistant Registrar

To:

1.The IV Additional District and Sessions Judge,
Tirunelveli Division at Tirunelveli

2.The Judicial Magistrate,
Sankarankovil, Tirunelveli District

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 cc to Mr.S.Palani Velayutham , Advocate in SR.No. 16332

RR

AE/KP/SAR3/17.04.2017/2P/5C