



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL OP(MD)No.9995 of 2017 and
CRL MP(MD)No.6835 of 2017

V.Paramasivam

... Petitioner

Vs.

Nagalakshmi

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records pursuant to the order passed in Crl.R.P.No.5 of 2017 on the file of learned Fast Track Mahila Court, Karur, dated 21.02.2017 confirming the order passed in Crl.M.P.No.5393 of 2014 in M.C.No.22 of 2010, dated 30.11.2016, on the file of the learned Judicial Magistrate No.I, Kulithalai, Karur District and to set aside the same.

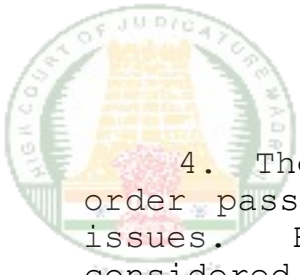
For Petitioner : Mr.M.Jeyaraman

O R D E R

This Criminal Original petition is filed challenging the order passed in Crl.R.P.No.5 of 2017 on the file of the learned Fast Track Mahila Court, Karur, dated 21.02.2017 confirming the order passed in Crl.M.P.No.5393 of 2014 in M.C.No.22 of 2010, dated 30.11.2016, on the file of the learned Judicial Magistrate No.I, Kulithalai, Karur District.

2. Heard the learned counsel appearing for the petitioner.

3. The petitioner is the husband. The respondent herein filed a petition in M.C.No.22 of 2010 before the learned Judicial Magistrate No.1, Kulithalai, Karur District. The respondent also filed a petition in Crl.M.P.No.5393 of 2014 under Section 54 of Cr.P.C., for D.N.A. Test for the petitioner as well as to her daughter. The said petition was allowed. As against the same, the petitioner preferred a Revision before the Fast Track Mahila Court, Karur. The Revision petition was dismissed on the short ground that no Revision is maintainable as against the order in the Interlocutory application. Since the order passed by the lower Court was interlocutory in nature, the Fast Track Court was of the opinion that the Revision petition is not maintainable. The said petition was therefore dismissed, without going into the merits of the case.



4. The learned counsel for the petitioner, challenging the order passed by the Fast Track Mahila Court, raised some factual issues. His main grievance is that his case on merits was not considered.

5. When the lower Court has considered the legal issue as to the maintainability of the Revision, there is no necessity to consider the merits of the case. The petitioner has not submitted any legal argument as to the maintainability of the Revision as against the Interlocutory application. In such circumstances, this petition is dismissed as devoid of any merits. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.I,
Kulithalai,
Karur District.
2. The Sessions Judge,
Fast Track Mahila Court, Karur.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.M.JEYARAM, ADVOCATE IN SR No. 69550

PMU
TE/KP/SAR-IV : 29/08/2017 : 2P/5C

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