



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.R.C.(MD)No.907 of 2017andCr1.M.P.(MD)No.11120 of 2017

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Tmt.Venkatalakshmi : Petitioner / Respondent No.2

-Vs.-

1.Tr.Jeyaraman : Respondent No.1 / Power
Agent and Father of the
petitioner (J.Ramyadevi)

2.V.Krishnakumar

3.T.Krishnaveni

4.Thiruvvenkitarajulu : Respondents / Respondents

Prayer: Criminal Revision Case is filed under Section 397 r/w 401 Cr.P.C., to call for the records pertaining to the order dated 20.11.2017 in Cr.M.P.No.7913 of 2017 in D.V.A.No.09 of 2016 pending before the learned Judicial Magistrate No.1, Kovilpatti and set aside the same as illegal.

For Petitioner : Mr.Louis
for Mr.T.Lajapathi Roy

For R-1 : Mr.S.Ramasamy

For R-2 to R-4 : No appearance

O R D E R

For the sake of convenience, the parties will be referred to by their name.

2. Ramyadevi through her father Jeyaraman initiated proceedings in D.V.A.No.09 of 2016 under the Domestic Violence Act before the learned Judicial Magistrate No.1, Kovilpatti against her husband Krishnakumar and her family members. While so, Jeyaraman, father of Ramyadevi filed Cr.M.P.No.7913 of 2017 in D.V.A.No.09 of 2016 for permission to represent his daughter in the DVA proceedings, since his daughter Ramyadevi had gone to Germany to complete her studies. The petition has been allowed by the trial court on 20.11.2017, challenging which, Venkatalakshmi, who is the mother of Krishnakumar and who is the second respondent



in D.V.A.No.09 of 2016 has filed the present Criminal Revision Case.

3. Heard Mr.Louis, learned counsel appearing for Venkatalakshmi and Mr.S.Ramasamy, learned counsel appearing for Jeyaraman.

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4. In the opinion of this Court, the order passed by the trial Court permitting Jeyaraman to represent his daughter Ramyadevi cannot be said to be illegal or improper warranting interference by this Court.

5. The learned counsel appearing for Venkatalakshmi submitted that Jeyaraman cannot give evidence on behalf of his daughter Ramyadevi as he may not be aware of what exactly transpired.

6. In the opinion of this Court, that question will arise only when evidence is adduced and the same is appreciated by the trial Court. It is too premature for this Court to say that Jeyaraman will adduce inadmissible evidence. It is for the parties to decide the nature of evidence, that should be adduced to prove the fact in issue or relevant fact. No prejudice will be caused to any of the respondents in D.V.A.No.09 of 2016, if Jeyaraman continues the litigation on behalf of his daughter Ramyadevi. The appreciation of evidence is entirely different and that cannot be anticipated now.

7. In the result, this Court does not find any serious infirmity in the order passed by the Court below warranting interference. Hence, this Criminal Revision Case is devoid of merits and the same is dismissed. Consequently, the connected Miscellaneous Petition is dismissed.

8. At this juncture, the learned counsel appearing for Venkatalakshmi submitted that under Section 29 of the Domestic Violence Act, an appeal against the order passed by the Magistrate will lie only to the Court of Sessions and therefore, he sought permission of this Court to withdraw this Criminal Revision Case.

9. This Court declines to withdraw this Criminal Revision Case, because, the present order that has been passed by the Magistrate permitting Jeyaraman to represent on behalf of his daughter Ramyadevi is not an order passed under the Domestic Violence Act. It is a procedural order that has been passed pursuant to the judgment of the Supreme Court in the case of **A.C.Narayanan vs. State of Maharashtra** reported in **2014 (11) SCC 790**, wherein the Supreme Court has stated that even in Section 138 of the Negotiable Instruments Act proceedings, the complainant can be represented by the Power Agent. Therefore, the order that is impugned is not an appealable order under Section 29 of the



Domestic Violence Act and the petitioner has rightly moved this revision under Section 397 r/w 401 Cr.P.C..

Sd/-

Assistant Registrar(CS-II)

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/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate No.1,
Kovilpatti.

+1cc to Mr.S.Ramasamy, Advocate Sr.No.48122

+1cc to Mr. Mr.F.L.M.Gilda, Advocate Sr.No.48400

SM

VB/KK/SAR4/09/03/2018/3P/4C

Order made in
Cr1.R.C. (MD) No.907 of 2017
12.02.2018