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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.(MD)No.7666 of 2016

and

CRL.M.P.(MD)No.3932 of 2016

D.Krishnakumar

... Petitioner/Petitioner/Respondent

-Vs-

1.K.Sankarajothi

2.Minor Shivani

(Rep.by Mother the
1st Respondent)

... Respondents/Respondents/Petitioners

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to M.C.No.6 of 2013 on the file of the Judicial Magistrate, Muthukulathur and Cr.R.P.No.10 of 2014 on the file of the Principal Sessions Court, Ramanathapuram and set aside the orders passed in the above proceedings, dated 22.08.2014 and 23.03.2015 respectively.

For Petitioner

: Mr.P.Subbiah

ORDER

This Criminal Original Petition has been filed by the husband aggrieved by the order passed by the Principal District Court, Ramanathapuram, confirming the order passed by the Judicial Magistrate, Mudhukalathur insofar as the entitlement for maintenance is concerned and modifying the amount of maintenance from Rs.5,000/- to Rs.3,500/-

2.The Criminal Original Petition under Section 482 of Cr.P.C cannot be converted into a Second Revision Petition in view of the bar under Section 397 of Cr.P.C. This Court in exercises of its jurisdiction under Section 482 of Cr.P.C. will interfere with an order in revision only under Extraordinary circumstances. In this case, the Magistrate Court on the evidence available on record had directed the husband to pay a sum of Rs.5,000/- towards monthly maintenance to the wife and the child and this has been modified by the Appellate Court to Rs.3,500/-. This Court does not find any ground to interfere with the orders of the Court below.

3.Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(RTI)

/True Copy/



To

1.The Principal Sessions Judge, Ramanathapuram.

2.The Judicial Magistrate, Mudhukalathur.

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