



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

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Crl. OP (MD)No.5384 of 2013

P.Radha

... Petitioner

Vs.

T.S.Prasanna Venkatesan

... Respondent

Prayer : This Criminal Original Petition is filed Under Section 482 of Criminal Procedure Code to call for the records and to set aside the order dated 28.01.2013 in Crl.RC No.46 of 2012 on the file of the 4th Additional Sessions Judge, Tirunelveli.

For Petitioner : Mr.G.Prabhu Rajadurai

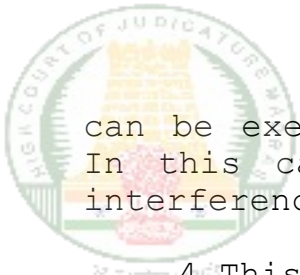
For Respondent : Mr.P.Arun Jayatram

ORDER

The petitioner is the wife. The respondent is the husband. The husband has already obtained a decree for judicial separation in the year 2014 itself. The petitioner was originally awarded maintenance amount in MC.No.63 of 2006 on the file of the Chief Judicial Magistrate, Tirunelveli. The petitioner filed an application in Crl.MP No.781 of 2011 for enhancement. The amount was enhanced from Rs.4,000/- to Rs.6,000/- on 27.08.2012. Not satisfied with the same, the petitioner herein filed a Revision Petition before the Sessions Court Tirunelveli in Crl.RC No.46 of 2012. By order dated 28.01.2013, the Sessions Court dismissed the said Revision Petition and confirmed the order passed by the magistrate. Questioning the same, this Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code.

2.No doubt, this Court has inherent powers under Section 482 of Cr.PC. But, while exercising the said powers, this Court will have to bear in mind the statutory bar set out in Section 397 (3) of the Code of Criminal Procedure. The said provision states that if an application under this section has been made by any person either to the High Court or to the Sessions Judge, no further application by the same person shall be entertained by the other of them.

3.The petitioner has already availed her revisional remedy before the Sessions Court. Therefore, a second revision before this Court will not lie. The said statutory bar cannot be circumvented by invoking powers under Section 482 of Cr.PC. Such inherent powers



can be exercised only when an exceptional case has been made out. In this case, the petitioner has not made out such a case for interference.

4. This Criminal Original Petition is dismissed.

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Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar (CS-III)

To

The 4th Additional Sessions Judge,
Tirunelveli.

+1CC to Mr.G.Prabhu Rajadurai, Advocate, SR.No. 62937

+1CC to Mr.P.Arun Jayatram, Advocate, SR.No. 63373

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