

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2019

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.24843 of 2012 and
Crl.M.P.Nos.1 & 2 of 2013

Ramadoss

... Petitioner/Respondent

Versus

1.Rajeswari

2.Minor Partheeban

(Rep. by Guardian and mother,
the 1st respondent.)

... Respondents/Petitioners

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 29.03.2012 passed by the Additional District & Sessions Judge, Fast Track Court No.1, Tindivanam in Crl.R.P.No.23 of 2006 in so far as confirming the award of maintenance of Rs.1,000/- per month to the 2nd respondent herein ordered in M.C.No.3 of 2003 by the Judicial Magistrate, Vanur on 19.06.2006.

For Petitioner : M/s.K.Subburam

For Respondents: No Appearance

ORDER

This Criminal Original Petition has been filed to set aside the order dated 29.03.2012, passed by the learned Additional District & Sessions Judge, Fast Track Court No.1, Tindivanam in Crl.R.P.No.23 of 2006 and confirming the award of maintenance Rs.1,000/- per month to the 2nd respondent herein ordered in M.C.No.3 of 2003 by the learned Judicial Magistrate, Vanur on 19.06.2006.

2.The 1st and 2nd respondent are the wife and minor son of the petitioner herein. The 1st respondent claiming to be wife of the petitioner had filed a maintenance case in M.C.No.3 of 2003 in which the learned Judicial Magistrate, Vanur by order dated 19.06.2006 awarded maintenance of Rs.1,000/- each to the respondents. Against which, the petitioner filed Crl.R.C.No.23 of 2006, before the learned Additional District & Sessions

Judge, Fast Track Court No.1, Tindivanam. The lower appellate Court partly-allowed the revision petition, directing the petitioner to pay maintenance of Rs.1,000/- to the 2nd respondent/minor son only and not to the 1st respondent.

3.On a perusal of this petition, it is seen that the petitioner for the same prayer had approached the learned Additional District & Sessions Judge, Fast Track Court No.1, Tindivanam in Crl.R.P.No.23 of 2006 which came to be partly-allowed by order 10.06.2011, against which this Criminal Original Petition is filed, which amounts to second revision in a different form.

4.Hence, this Court finds that this petition is not maintainable, since this Criminal Original Petition amounts to second revision, which is not permissible in law. Accordingly, this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

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To

1. The Additional District & Sessions Judge,
Fast Track Court No.1,
Tindivanam.

2.The Judicial Magistrate, Vanur.

3.The Public Prosecutor
High Court, Madras 104.

CRL.O.P.No.24843 of 2012

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PP (CO)
SP(15/07/2019)