

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.15175 of 2014

Nachimuthu

...Petitioner

Vs.

1. Minor Banumathy

2. Jothimani @ Baby

....Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to allow the Criminal Original Petition by setting aside the order dated 29.11.2013 passed in C.R.P No.97 of 2011 on the file of the learned VII Addl. District cum Sessions Court, Tiruppur by confirming the judgment dated 17.08.2011 passed in M.C.No.8 of 2007 on the file of the Judicial Magistrate Court, Palladam.

For Petitioner : Mr. K.Govi Ganesan

For Respondents : Mr.A.Gokulakrishnan

ORDER

This petition has been filed against the order passed by the Revision Court in C.R.P No.97 of 2011, confirming the order passed by the Judicial Magistrate in M.C.No.8 of 2007, fixing the amount of monthly maintenance payable by the petitioner at Rs.2000/- per month.

2. The learned counsel for the petitioner submitted that the Court below did not take into consideration the financial wherewithal of the petitioner and the Court below also did not take into consideration the fact that the respondent had sufficient properties to take care of herself.

3. This Court sitting in its jurisdiction under Section 482 of Cr.P.C cannot re-appreciate the findings given by both the Courts below and act like the second revisional Court, which is a bar under Section 397(3) of Cr.P.C.

4. This Court does not find any illegality or infirmity in the orders passed by the Courts below and there are no grounds to interfere with the same.

5. In the result, this Criminal Original Petition is dismissed.

Sd/-
Joint Registrar (Judicial)

//True Copy//

Sub Assistant Registrar

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To

- 1) The VII Addl. District cum Sessions Court,
Tiruppur.
- 2) The Judicial Magistrate,
Palladam.

+1 cc to M/s.K.Govi Ganesan, Advocate, S.R.No.54717

+1 cc to Mr.A.Gokulakrishnan, Advocate, S.R.No.55656

CRL.O.P No.15175 of 2014

PA(CO)
SSM(30/07/2019)

सत्यमेव जयते

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