



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C. (MD)No.844 of 2013

Revathy @ Mahalakshmi

.. Petitioner/Appellant/
Petitioner

Vs.

1. Sreekanthan
2. Panchabakesa Gurkkal
3. Sagunthala

.. Respondents/Respondents/
Respondents

Prayer : This Criminal Revision petition is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records of the learned Additional District and Sessions Judge/Special Judge under EC Act Cases, Thanjavur, in Crl.A.No.59 of 2011 by Judgment dated 25.07.2013, confirming the order passed by the learned Judicial Magistrate No.II, Thanjavur in S.T.C.No.795 of 2010 by the Judgment dated 15.09.2011 and set aside the Judgments of the Courts below and allow the application filed by the petitioner.

For Petitioner : Mr.M.Karunanithi

For Respondent : Mr.A.V.Rajasekaran

ORDER

The revision petitioner got married to the first respondent herein on 10.03.2006. The relationship between them came under strain. The revision petitioner filed H.M.O.P.No.206 of 2009 seeking dissolution of marriage. The first respondent filed H.M.O.P.No.171 of 2009 seeking restitution of conjugal rights. Both these cases were filed before the Additional Subordinate Judge, Thanjavur and disposed of on 06.09.2012. In the meanwhile, the revision petitioner herein filed S.T.C.No.795 of 2010 before the Judicial Magistrate No.2, Thanjavur, seeking return of articles. The petition was partly allowed vide order dated 15.09.2011. Aggrieved by the fact that the petition was partly allowed, the revision petitioner filed Crl.A.No.59 of 2011 before the Additional District and Sessions Judge/Special Judge under Ec Act Cases, Thanjavur. By order dated 25.07.2013, the appeal was dismissed. Challenging the same, this revision petition came to be filed.

2. Heard the learned counsel on either side.



3. The learned counsel appearing for the respondents pointed out that in paragraph No.12 of the order dated 06.09.2012 in H.M.O.P.No.206 of 2009, it was admitted by the revision petitioner that she got back all her articles.

4. In the face of such a categorical finding, I am of the view that nothing survives for further adjudication in this revision petition. However, it must be noted that questioning the order dated 15.09.2011 in S.T.C.No.795 of 2010 on the file of the Judicial Magistrate No.2, Thanjavur, the respondents did not prefer any appeal. Therefore, they are bound to comply with the said order. Even while dismissing this revision petition, this Court confirms the order dated 15.09.2011 in S.T.C.No.795 of 2010 passed by the learned Judicial Magistrate No.2, Thanjavur.

5. The criminal original petition stands dismissed accordingly. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

pmu

To

1. The Additional District and Sessions Judge/
Special Judge under EC Act Cases,
Thanjavur.

2. The Judicial Magistrate No.II,
Thanjavur.

Copy to

The Section Officer, -2 copies
Criminal Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.A. V. RAJASEKARAN, Advocate (SR-82311[F] dated
20/08/2019)

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