



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.21690 of 2015 and

M.P.(MD)No.1 of 2015

Pandia Raj

... Petitioner/Petitioner/ Respondent

Vs.

Minor Vaishnavi,
Rep. by her mother and
natural guardian,
Rama Devi.

... Respondent/Respondent/2nd Petitioner

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records and set aside the order passed by the Principal and District and Sessions Judge, Madurai, in Crl.R.P.No.41 of 2015 on 27.08.2015 in modifying the order passed by the Judicial Magistrate Court, Tirumangalam, in M.C.No.28 of 2008 on 08.05.2015 and allow this criminal original petition.

For Petitioner	: Mr.G.Marimuthu
For Respondent	: Mr.R.Gowrishankar

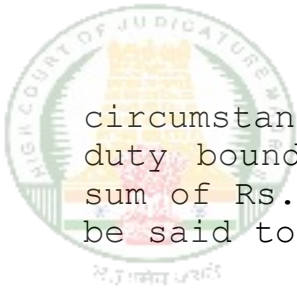
O R D E R

The petitioner is the father of the respondent herein. The respondent through her mother filed M.C.No.28 of 2008 before the Judicial Magistrate, Thirumangalam.

2. The learned trial Magistrate awarded a sum of Rs.4,000/- as monthly maintenance. This order was challenged by the petitioner before the Sessions Court. The learned Principal District and Sessions Judge, Madurai, by the impugned order dated 27.08.2015 reduced the quantum of maintenance from Rs.4,000/- to Rs.2,750/-. Quashing the same, the criminal original petition has been filed.

3. Heard the learned counsel on either side.

4. It is well settled that the second revision is not maintainable. There is a statutory bar set out in terms of Section 397(3) of Cr.P.C. Of course this criminal original petition has been filed under Section 482 of Cr.P.C. The statutory bar contained in Section 397 of Cr.P.C. can be overcome only in certain exceptional circumstances. In this case, such exceptional



circumstances been shown to exist. The petitioner as father is duty bound to maintain his daughter. What was awarded is only a sum of Rs.2,750/- per month. By no stretch of imagination, it can be said to be excessive.

The criminal original petition stands dismissed, accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

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Sub Assistant Registrar(CS)

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To:

1.The Principal District and Sessions Judge, Madurai

2. The Judicial Magistrate, Thirumangalam.

+1 CC to Mr.R.GOWRI SHANKAR, Advocate (SR-103331[F] dated 04/12/2019)

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-103219[F] dated 04/12/2019)

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