

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.28130 of 2019

R.Palanisamy
S/o Ramadoss
No.20, Mariamman Koil Street
Kadambadi
Nagapattinam District. Petitioner

Vs.

1. Vanitha
W/o Palanisamy
2. Minor Pragatheeshwaran
S/o Palanisamy
3. Minor Jananesshwaran
S/o Palanisamy

Respondents 2 & 3 are minors, Rep by their
Natural Guardian/Mother/1st Respondent

Respondents 1 to 3 are residing at
Jayanthi Nagar, Panaimedu
Sikkal Post
Nagapattinam District. Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the order passed in Crl.RC.No.9 of 2018 dated 12.06.2019 on the file of District and Sessions Judge, Nagapattinam District confirming the order passed in M.C.No.5 of 2017 dated 23.08.2018 on the file of Judicial Magistrate No.1, Nagapattinam District.

For Petitioner : Mr.S.Nedunchezhiyan

ORDER

This petition has been filed to set aside the order passed in Crl.RC.No.9 of 2018 dated 12.06.2019 on the file of District and Sessions Judge, Nagapattinam District confirming the order passed in M.C.No.5 of 2017 dated 23.08.2018 on the file of Judicial Magistrate No.1, Nagapattinam District.

2.Heard both sides.

3.It is seen that the petitioner got married with the 1st respondent on 26.03.2003. Out of their wedlock respondents 2 and 3 were born and they are aged about 12 and 14 years respectively. Further it is seen that the petitioner is working as a driver in Nagapattinam Municipality. He used to beat the 1st respondent in a drunken mood and never maintained the respondents 1 to 3. Therefore, the respondents are constrained to file a petition for their maintenance before the Judicial Magistrate No.1, Nagapattinam. Thereby, the learned Judicial Magistrate No.1, Nagapattinam, has rightly allowed the petition with a direction to the petitioner herein to pay a sum of Rs.2,500/- each to the respondents. Further the District and Sessions Judge, Nagapattinam, has also confirmed the order of the learned Judicial Magistrate No.1, Nagapattinam in Crl.R.C.No.9 of 2018 dated 12.06.2019. The same has been challenged before this Court by the petitioner herein.

4.The present petition is nothing but second revision and it is not permitted under law. This Court finds no illegality or irregularity in the order passed by the learned District and Sessions Judge, Nagapattinam in Crl.R.C.No.9 of 2018 dated 12.06.2019. Hence the petition cannot be maintained.

5. Accordingly, the Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

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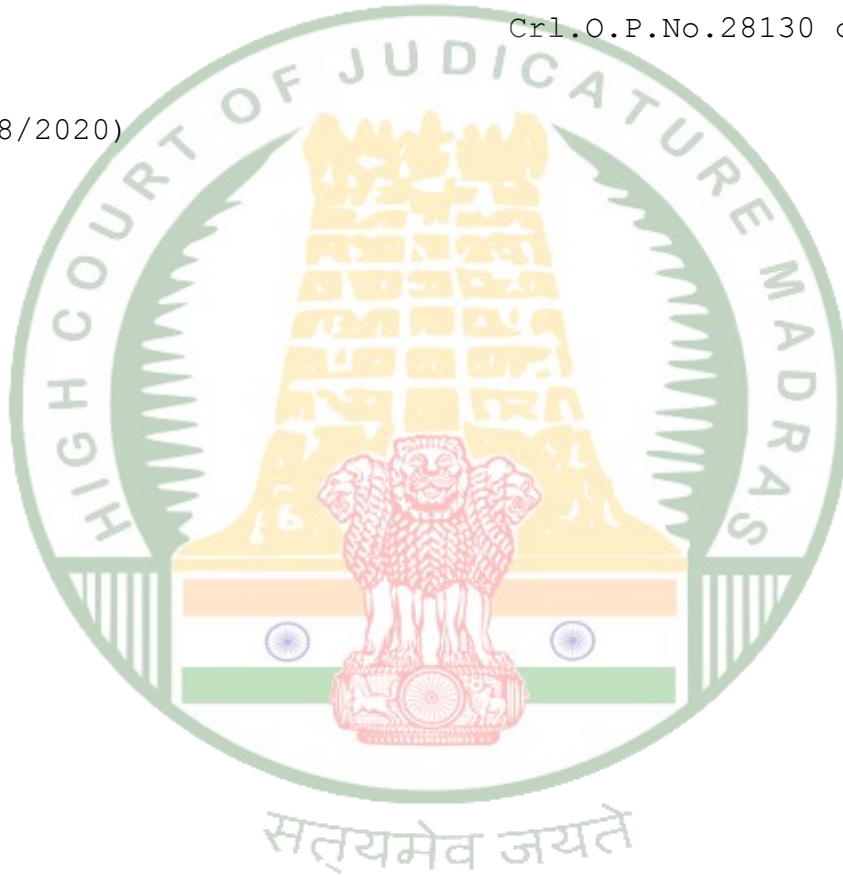
To

1.The District & Sessions Judge,
Nagapattinam.

2.The Judicial Magistrate No.I,
Nagapattinam.

Crl.O.P.No.28130 of 2019

SSD(CO)
CB(18/08/2020)



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