



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P. (MD) No.18452 of 2021

G. John Peter

... Petitioner / Petitioner /
Respondent

Vs.

1. Punitha
2. Minor Joseph,
Rep. By his mother

... Respondents /
Respondents / Petitioners

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the entire records relating to the impugned order dated 09.04.2021 made in Cr.R.P.No.69 of 2019 in M.C.No.8 of 2016 on the file of the learned Additional District and Sessions Court (Fast Track Court), Kumbakonam, confirming the order passed in M.C.No.8 of 2016 dated 25.09.2019 by the Chief Judicial Magistrate, Thanjavur and to set aside the same as illegal.

For Petitioner : No appearance.

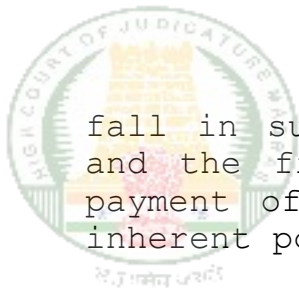
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ORDER

This criminal original petition has been filed by the petitioner in person. Yesterday, there was no appearance on his behalf. Today when the matter was taken up for hearing, there was no representation for the petitioner.

2. It is seen that the respondents herein filed M.C.No.8 of 2016 against the petitioner before the Chief Judicial Magistrate, Kumbakonam. The said maintenance case was partly allowed. Aggrieved by the same, the petitioner filed revision petition before the Sessions Court. The learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam dismissed the said revision petition in Cr.R.P. No.69 of 2019 filed by the petitioner herein. The petitioner had lost before the Courts below.

3. There is a statutory bar against maintaining the second revision. Such a bar cannot be circumvented or overcome by filing a petition under Section 482 of Cr.P.C. Of course in an exceptional situation, such a petition will lie. But the case on hand does not



fall in such a situation. The relationship between the petitioner and the first respondent is not in dispute. The matter involves payment of maintenance. In such a case, the question of invoking inherent powers of this Court will not arise at all.

4. This criminal original petition is dismissed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PMU

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Additional District and Sessions Judge
(Fast Track Court), Kumbakonam.
2. The Chief Judicial Magistrate, Thanjavur District at Kumbakonam.

Cr1.O.P.(MD)No.18452 of 2021
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nsn(CO)

TR(09.12.2021) 2P 3C