



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P.(MD)No.18106 of 2021

and

Crl.M.P.(MD)No.9926 of 2021

M.Ramanathan ... Petitioner/Petitioner/Respondent
vs.

1.Pandeeswari

2.Minor Tamilarasan

Rep through his mother pandeswari/1st respondent herein

3.Minor Tamilmaran

... Respondents

Rep through his mother pandeswari/1st respondent herein

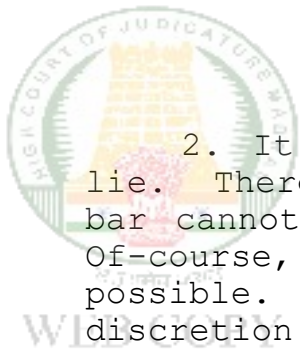
PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the order passed in Crl.R.C.No.29 of 2020, dated 07.07.2021 on the file of the IV Additional District and Sessions Court, Madurai in M.C.No.16 of 2016 on the file of the Judicial Magistrate No.II, Usilampatti, Madurai and set aside the same as illegal.

For Petitioners : Mr.R.Sundar

O R D E R

This case arises out of a maintenance proceedings. The petitioner and the first respondent got married to each other on 12.11.2010. The respondents 2 and 3 were born through the wedlock. The petitioner also filed a divorce petition against the first respondent and the same was decreed on the exparte basis. The petitioner got re-married and has begotten a female child through the second marriage. In the mean while, the first respondent filed M.C.No.16 of 2016 before the Judicial Magistrate No.II, Usilampatti. The first respondent examined herself as witness. The petitioner also examined himself as witness. After a consideration of the evidence on record, the trial court vide order dated 24.01.2020 allowed M.C.No.16 of 2016 and directed the petitioner herein to pay a sum of Rs.5,000/- to the first respondent and a sum of Rs.2,500/- each to the respondents 2 and 3. Aggrieved by the same, the petitioner filed Crl.R.C.No.29 of 2020 before the Sessions Court. The Sessions Judge vide order dated 07.07.2021 dismissed the revision. Questioning the same, this Criminal Original Petition has been filed.

<https://hcservices.ecourts.gov.in/hcservices/>



2. It is too well settled that the second revision will not lie. There is a statutory bar under Section 397 of Cr.P.C. Such a bar cannot be overcome by invoking inherent powers of this Court. Of-course, under certain exceptional circumstances, such remedy is possible. But the case on hand does not warrant exercise of discretion under Section 482 of Cr.P.C. The courts below after a careful consideration of the evidence on record chose to award a sum of Rs.5,000/- as maintenance to the wife and Rs.2,500/- each to the children. Therefore, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmi

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 IV Additional District and Sessions Court, Madurai.

2.The Judicial Magistrate No II, Usilampatti

Crl.O.P. (MD)No.18106 of 2021
and
Crl.M.P. (MD)No.9926 of 2021
19.11.2021

TP (CO)

KB (09.12.2021) 2P 3C