



Crl.O.P.No.16364 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

**Crl.O.P.No.16364 of 2023
and Crl.M.P.No.10408 of 2023**

S.Sivashanakar

.. Petitioner

Versus

Selvi

.. Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the order passed in Crl.R.C.No.12 of 2022, dated 08.03.2023 on the file of the learned II Additional District and Sessions Judge, Vellore at Ranipet wherein confirming the order passed in C.M.P.No.1432 of 2017 in M.C.No.05 of 2017, dated 01.03.2022 on the file of the learned Judicial Magistrate at Arcot and consequently to set aside the order.

For Petitioner : Mr.C.Gunasekaran

ORDER

This Criminal Original Petition has been filed challenging the order passed by this Court below in Crl.R.C.No.12 of 2022, dated 08.03.2023 confirming the order passed in C.M.P.No.1432 of 2017 in M.C.No.5 of



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2017 by the learned Judicial Magistrate, Arcot, dated 01.03.2022, fixing the interim maintenance payable by the petitioner at the rate of Rs.7,000/- to the respondent who is the wife of the petitioner.

2. This Court carefully considered the submissions made by the learned Counsel for the petitioner and the materials available on record.

3. On carefully going through the order passed by the learned Magistrate which was further confirmed by the learned II Additional District and Sessions Judge, Vellore, this Court is not able to find any illegality or infirmity in those orders. This Court while exercising its jurisdiction under Section 482 of Cr.P.C., cannot exercise the same like a second Revision Petition. There is a bar under Section 397 of Cr.P.C., to maintain a second Revision and hence petitions are filed under Section 482 of Cr.P.C., to agitate against the order passed by the concerned Court in a Criminal Revision. In such cases, the Court cannot mechanically entertain the petition unless the Court finds gross illegality or infirmity in the order. Both the Courts below have given sufficient reasons as to why the petitioner



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has to pay a sum of Rs.7,000/- as interim maintenance. The same does not warrant interference by this Court.

4. In the result, this Criminal Original Petition stands dismissed.

Consequently, connected miscellaneous petition is closed.

24.07.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The II Additional District and Sessions Judge,
Vellore at Ranipet.
2. The Judicial Magistrate,
Arcot.



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N.ANAND VENKATESH, J.
grs

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