

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

CrI.MC.No. 4488 of 2013 ()

**Cr.R.P.NO. 19/2007 of ADDITIONAL SESSIONS JUDGE (FAST TRACK – II), THRISSUR
C.C.NO. 529/2001 of JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVAKKAD**

PETITIONER(S)/REVISION PETITIONER:

**USHALAL, AGED 51 YEARS,
W/O SUSHAMESHLAL, PARAYIL MUNDOKKIL HOUSE,
POST THOZHIYOOR, POOKKODE VILLAGE, THOZHIYOOR DESOM,
CHAVAKKAD TALUK, THRISSUR DISTRICT.**

**BY ADVS.SRI.N.M.MADHU
SRI.P.P.HARRIS
SMT.C.S.RAJANI**

RESPONDENTS/RESPONDENTS/ ACCUSED :

- 1. LAILA,
W/O MAJEED, VALAKKATTIL HOUSE, POOKKODE PANCHAYAT,
POST IRINGAPPRAM, IRINGAPPRAM AMSOM & DESOM,
CHAVAKKAD TALUK (VIA) PUTHENPALLY,
THRISSUR DISTRICT - 680103.**
- 2. THE STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM – 682031.**

**R1 BY ADV. SRI.G.SREEKUMAR (CHELUR)
R BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
16-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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P.UBAID, J.

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Crl.M.C.No.4488 of 2013
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Dated this the 16th day of October, 2015

ORDER

The petitioner herein is the complainant in C.C.No.529 of 2001 of the Judicial First Class Magistrate Court, Chavakkad. She brought the said case under Section 420 IPC, against the first respondent herein. On full trial, the learned Magistrate found the accused not guilty, and accordingly acquitted her under Section 248(1) Cr.P.C. Against the said acquittal, the complainant brought a revision before the Court of Session, Thrissur as Crl. Revision Petition No.19 of 2007. The learned Additional Sessions Judge dismissed the said revision by order dated 15.07.2013. The said order is sought to be set aside under Section 482 Cr.P.C.

2. This is a case where the complainant has exhausted the normal remedies possible under the law. The petitioner had no right of appeal against the trial court's judgment of acquittal, as on the date of disposal of the case. The proviso to Section 372 Cr.P.C. was introduced only in 2009. The normal remedy available

to her at that time was only a revision under Section 397 IPC. She availed the said remedy but, failed in revision. Having exhausted the normal remedies possible under the law, and having lost the litigation she is now before this Court under Section 482 Cr.P.C. It appears that everybody believes that Section 482 Cr.P.C. is a panacea for all legal grievances, and that even if the lis is lost at all stages of normal procedure, some orders can be obtained under Section 482 Cr.P.C. This wrong notion must stand corrected. When the normal remedies are exhausted, and the lis has come to a finality, it cannot be reopened by the High Court in exercise of the powers under Section 482 Cr.P.C. Here is a judgment of acquittal which stands finalised, and the normal remedies available are exhausted. In such a situation, the decision that has become final cannot be reopened, or reversed, or set aside by the High Court under Section 482 Cr.P.C. I find that this Crl.M.C. is not maintainable under the law.

In the result, this Crl.M.C is dismissed in limine, without being admitted to files.

Sd/-
P.UBAID
JUDGE

rkj

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P.A. TO JUDGE