

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.15498 of 2015

Vijayalakshmi

... Petitioner

Vs

1.Nagammal

2.Ragu @ Ragunathan

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records and order dated 22.07.2014 in CRP No.63 of 2013 on the file of the learned IV Additional District Sessions Judge, Coimbatore, conforming the order dated 31.07.2013 in CMP No.3631 of 2012 on the file of the learned Judicial Magistrate No.III, Coimbatore and set aside the same.

For Petitioner :Mr.J.Antony Jesus

For Respondents :Mr.C.Emalias

Additional Public Prosecutor

ORDER

This petition has been filed to set aside the order dated 22.07.2014 in CRP No.63 of 2013 on the file of the learned IV Additional District Sessions Judge, Coimbatore, conforming the order dated 31.07.2013 in CMP No.3631 of 2012 on the file of the learned Judicial Magistrate No.III, Coimbatore.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents and perused the material placed on record.

3.It is the case of the petitioner that the opposite parties, who are the accused, had filed rent control proceedings based on false documents and that they had obtained a Decree against the petitioner and also obtained orders of execution. It is alleged in the complaint that the accused took possession of the property and illegally demolished the property. In this regard, a private complaint was filed by the petitioner in CRP No.3631 of 2012 before the learned Judicial Magistrate No.III, Coimbatore, who enquired into

the matter and dismissed the same on the ground that there is no material to take cognizance of any offence. Aggrieved by the order passed by the learned Judicial Magistrate No.III, Coimbatore, the petitioner approached the Sessions Court in CRP.No.63 of 2013, which was dismissed by the Sessions Court on 22.07.2014, challenging which, this petition has been filed.

4.The learned counsel for the petitioner submitted that the Courts below have not properly appreciated the facts and have erroneously held that the petitioner had failed to prove the correct door number.

5.In the considered opinion of this Court, since the revisional jurisdiction is concurrent to the High Court and the Sessions Court under Section 397(3) CrPC, if the party elects to go to Sessions Court, he cannot come by way second revision to the High Court to entertain under Section 482 CrPC against an order passed under the revisional jurisdiction by the Sessions Court. There should be extraordinary circumstances which are absent in the present case. When two Courts have appreciated the evidence and gave findings on facts, that cannot be stated to be a gross illegality for interference under Section 482 CrPC. Hence, this Criminal Original Petition is dismissed as it is devoid of merits.

mps

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1.The IV Additional District Sessions Judge,
Coimbatore.

2.The Judicial Magistrate No.III,
Coimbatore.

3.-do- thro' the Chief Judicial Magistrate,
Coimbatore.

4.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.J.Antony Jesus, Advocate SR 31350

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