

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.7.2015

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

Crl.R.C.No.818 of 2010

Ramalingam

: Petitioner/Accused

versus

State by Sub Inspector of Police,
Senthiyathope Police Station
Crime No.86/2010
Cuddalore

: respondent/complainant

Petition praying to call for the records and set aside.

Revision the order in Crl.M.P.No.1873 of 2010 dated 5.5.2010 on the file of the Judicial Magistrate No.1, Chidambaram.

For petitioner : Mr.G.Pugazhenthir

For respondent : Mr.V.Arul, Government Advocate

O R D E R

This criminal revision is filed against the order in Crl.M.P.No.1873 of 2010 dated 5.5.2010 on the file of the Judicial Magistrate No.1, Chidambaram whereby, the learned Magistrate dismissed the petition filed by the petitioner under Section 250 Cr.P.C.

2. The learned counsel for the petitioner would point out the petitioner had been discharged from the offence and it is clearly evident that the police have no jurisdiction to directly book a case against anyone under the Mines and Minerals Act. Once it is proved that the police have done an act not in accordance with law, naturally, the lower Court ought to have granted compensation. Since it was not given, the petitioner filed a petition under Section 250 Cr.P.C. However, that has been dismissed, against which the present revision has been filed.

3. The learned Government Advocate would submit that the petitioner has been discharged only for want of jurisdiction and not on merits. Therefore, the petition under Section 250 Cr.P.C. was rightly dismissed.

4. Heard both sides. The grievance of the petitioner is correct. When the police have no jurisdiction, there is no need to register a complaint. However, as rightly pointed out by the learned Government Advocate, the petitioner has been discharged only for want of jurisdiction and not on merits. Apart from offence under Mines and Minerals Act, there is also an offence under 379 of the Indian Penal Code for which police can register a case. A petition under Section 250 Cr.P.C. could be entertained only for offence under Mines and Minerals Act and not under any other section. In this case, the Court never went into the question of merits but only on the question of jurisdiction. Therefore, at this point of time, an order in a petition under Section 250 Cr.P.C. may not be necessary. But the fact remains that the authority has not acted correctly.

5. The criminal revision is disposed of accordingly.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

1. The Judicial Magistrate,
No.1, Chidambaram.
2. -Do- Thro The Chief Judicial Magistrate,
chidambaram.
3. The Public Prosecutor,
Madras High Court
4. The Sub Inspector of Police,
Senthiyathope Police Station
Cuddalore.

+1cc to Mr.G.Pugazhenth, Advocate sr.no.34861

Cr1.R.C.No.818 of 2010

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10.7.2015



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