

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.4.2015

CORAM

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Petition No. 888 of 2010

P.Swaminathan

... Petitioner/PW 1/
Defacto Complainant

Versus

1. State by Inspector of Police
Arachalur Police Station
Erode.

... 1st Respondent/Complainant

2. Gurusamy
3. Shanmugasubaramaniam
4. Thirunavukarasu
5. Duraisamy
6. Periyasamy
7. Sivakumar
8. N.Subramani
9. Dhanasekar
10. Dharmalingam
11. Samiappan
12. Venkatesan@Venkatachalam
13. Balakrishnan
14. Ramesh @ Thangavel
15.Selvam @ Selvakumar

... Respondents 2 to 15/
Accused 1 to 14

Criminal Revision Petition filed under Section 397 and 401 of Cr.P.C. against the judgment dated 21.6.2010 made in S.C. No.180 of 2009 on the file of the Principal Sessions Judge, Erode.

For Petitioner : Mr.V.Ayyadurai

For R1 : Mr. R.Prathap Kumar
Government Advocate (Crl.side)

For R2 to R6
and R8 to 14 : Mr.V.S.Kesavan

ORDER

The petitioner, who is the complainant in S.C.No.180 of 2009 on the file of the learned Principal Sessions Judge, Erode, has come forward with this Criminal Revision Case aggrieved by the order of acquittal passed by the Court below.

2. According to the petitioner, on 17.9.2009, at about 10.00 am, at his lands at Karamadai thottam, the accused Nos.1 to 14 committed mischief by uprooting 47 coconut trees belongs to him with the help of JCB. The accused persons also threatened the petitioner with weapon. In connection with this incident, the petitioner had given a complaint before the first respondent police based on which the case in Crime No. 242 of 2009 came to be registered for the offences punishable under Section 147, 148, 447, 294 (b), 341, 353, 506 (ii) IPC and under Sections 3 (1) of Tamil Nadu Properties (Prevention of Damages and Loss) Act. After investigation, the first respondent filed final report which was taken on file in S.C. No.180 of 2009. The trial court, after analysing the oral and documentary evidence, acquitted both the accused against which the present Criminal Revision Case is filed.

3. Today, when the Criminal Revision case is taken up for hearing, after elaborate arguments, the learned counsel for the respondent brought to the notice of this Court that Civil Suit is pending at the appeal stage and the parties have to abide the order to be passed by this Court in Second Appeal.

4. Considering the above above submission and also considering the fact that the Second Appeal is pending before this Court with regard to the title, no order is required to be passed in this Criminal Revision Case and accordingly the same is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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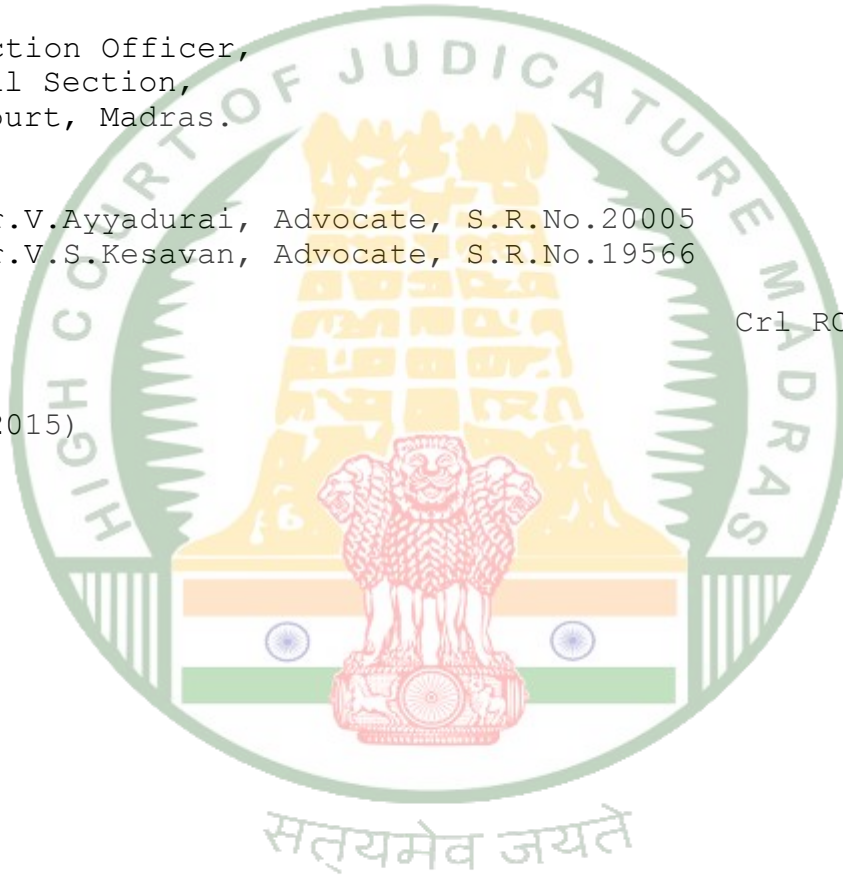
To

1. The Principal Sessions Judge,
Erode.
2. The Inspector of Police,
Arachalur Police Station,
Erode.
3. The Public Prosecutor,
High Court, Madras
4. The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to Mr.V.Ayyadurai, Advocate, S.R.No.20005
+1cc to Mr.V.S.Kesavan, Advocate, S.R.No.19566

Crl RC No. 888 of 2010

GR(CO)
CA(15/05/2015)



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