

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2015

Coram:

THE HON'BLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.Nos.6460 and 6462 of 2015
and
M.P.Nos. 1 & 1 of 2015

R.Pari Petitioner in both Crl.OP

Vs.

M.Sreeprakash Respondent in both Crl.OP

Prayer : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to call for the records relating to the order dated 25.09.2014 passed in CRP Nos.5 & 6 of 2013 on the file of the II Additional Sessions Judge, Salem, confirming the order passed in CMP 4626 & 4627 of 2012 in STC No.577 & 578 of 2009 dated 25.09.2012 on the file of the learned Judicial Magistrate No.III, Salem and set aside the same.

For Petitioner : Mr.M.Devaraj

COMMON ORDER

It appears that being aggrieved by the orders passed by the learned Judicial Magistrate No.III, Salem, in CMP Nos.4626 & 4627 of 2012 in STC No.577 & 578 of 2009 dated 25.09.2012, on the complaint given under Sections 200 CrPC filed by the petitioner/accused, the petitioner has approached the Sessions Court in CRP.No.5 of 2013, by invoking Section 397 CrPC, which was dismissed by the Sessions Court on 25.09.2014. Aggrieved by the same, these petitions are filed under Section 482 CrPC for setting aside the order passed by the Courts below.

2.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 of a second revision to the High Court. Section 397(3) CrPC precludes the petitioner from approaching the High Court under the revisional jurisdiction. In exceptional cases, the petitioner can file petition under Section 482 CrPC, when there is a patent miscarriage of justice. In this case, this Court does not find any serious infirmity in the orders passed by the Courts below, warranting interference under Section 482 CrPC.

In these circumstances, these Criminal Original Petitions are dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

mps

To

1.The Judicial Magistrate No.III, Salem.

2. do thro the Chief Judicial Magistrate
Salem

3.The II Additional District Sessions Judge,
Salem.

2 ccs to Mr.M. Devaraj, Advocate, sr. 21876, 21877

सत्यमेव जयते

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and M.P.Nos. 1 & 1 of 2015

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