



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU

CRL.RC.(MD)No.523 of 2014

J.Davidson

: Revision Petitioner/Petitioner/Complainant

Vs.

1.X.Jerein

2.A.Xavier

3.Narayanan,

Special Sub-Inspector,

Palugal Police Station,

Palugal Village, Vilavancode Taluk,

Kanyakumari District.

4.Nesaiyan,

Sub-Inspector of Police,

Palugal Police Station,

Palugal Village, Vilavancode Taluk,

Kanyakumari District.

: Respondents/Respondents/Accused 1 to 4

PRAYER: This Petition is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for records and set aside the order passed in Crl.M.P.No.4832 of 2014, on the file of the Judicial Magistrate, No.I, Kuzhithurai, dated 08.08.2014, insofar as discharging the respondents 3 and 4 for the offence under Sections 166 and 167 IPC are concerned.

For Petitioner

: Mr.C.K.M.Appaji

For Respondent Nos.1&2

: Mr.N.S.Ramakrishnadoss

For Respondent Nos.3&4

: Mr.C.Shankar Prakash

ORDER

The petitioner herein is the complainant in C.C.No.304 of 2014, on the file learned Judicial Magistrate, No.I, Kuzhithurai. He filed a private complaint in Crl.M.P.No.4832 of 2014, alleging that the respondents have committed offence punishable under Sections 294(b), 341, 323, 324, 506(ii), 166 and 167 of the Indian Penal Code. The Trial Court took cognizance, examined the witnesses and by order dated 08.08.2014, dismissed the complaint in respect of the offences under Sections 166 and 167 of the Indian Penal Code against the accused/respondents 3 and 4 and proceeded against the accused/respondents 1 and 2 in respect of other offences. Challenging the same, the petitioner is now before this Court with this Criminal Revision Case.

<https://hcservices.courts.gov.in/hcservices> heard the learned counsel appearing for the petitioner, the learned counsel appearing for the respondents and perused the records carefully.



3. A perusal of the order of the Lower Court would go to show that there was no material found to try the accused 3 and 4/respondents 3 and 4 under Sections 166 and 167 of the Indian Penal Code. It is crystal clear that the accused 3 and 4/respondents 3 and 4 have not committed any offence punishable under Sections 166 and 167 of the Indian Penal Code. The learned counsel for the petitioner is not in a position to show as to how the finding of the Lower Court is erroneous.

4. In view of the above, I do not find any merit in this Criminal Revision Case and the same is dismissed.

Sd/-
Assistant Registrar(Writs)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Judicial Magistrate, No.I, Kuzhithurai.

2.Do-Thro' The Chief Judicial Magistrate, Nagercoil.

+1cc to Mr.C.K.M.Appaji,Advocate, SR.No.18729

+1cc to Mr.N.S.Ramakrishnadoss,Advocate, SR.No.19182

ORDER MADE IN
CRL.RC.(MD)No.523 of 2014
DATED - 15.04.2015

NB

PA/22.04.2015/2P/5C