

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.06.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.12176 of 2016

M/s.Indiana Stone Company [P] Ltd.,
Formerly known as Sri Mookambiga
Rock Treasure [P] Ltd.,
Through its authorised representative
V.Jayaprakash Petitioner

Vs.

1.M.Gowrishankaran
2.M.Sarojini
3.G.Geethamenatshi Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the order of the learned District and Sessions Judge No.II, Kancheepuram in C.R.P.No.3/2015 dated 29/02/2016 confirming the order of the Learned District Munsif-cum-Judicial Magistrate, Sriperumbudur in C.M.P.No.2511 of 2014 dated 21/01/2015 and direct the learned District Munsif-cum-Judicial Magistrate, Sriperumbudur to conduct the trial against the accused for the offences committed by them.

For Petitioner : Mr.V.Chandrakanthan

O R D E R

This petition has been filed to set aside the order dated 29.02.2016 in CRP.No.3 of 2015 passed by the learned District and Sessions Judge No.II, Kancheepuram.

2. Heard the learned counsel for the petitioner and perused the materials placed on record.

3. The petitioner filed a private complaint under Section 200 Cr.P.C. in CMP.No.2511 of 2014 before the learned District Munsif-cum-Judicial Magistrate, Sriperumbudur, alleging offences under Sections 120[b], 420, 406, 468, 472 and 506[i] IPC read with Section 34 of IPC against respondents herein.

4. It is the case of the complainant that Sri Mookambiga Rock Treasure [P] Ltd. was promoted by respondents/accused, who were all Directors and when it came for sale, the complainant purchased it on 02.01.1991 with its assets and

liabilities. Pursuant to which, accused No.1 resigned from the post of Managing Director of the Company. Thereafter, it is alleged by the petitioner that the accused No.1 had sold a property belonging to the Company.

5. The complaint filed by the petitioner was enquired into by the learned District Munsif-cum-Judicial Magistrate, Sriperumbudur, who would dismissed the same on 21.01.2015. Aggrieved by which, the accused filed Criminal Revision Petition in CRP.No.3 of 2015 before the Sessions Court, Kancheepuram. The said CRP was dismissed by the District Sessions Judge-II, Kancheepuram on 29.02.2016. Aggrieved by which, the petitioner is before this Court under Section 482 Cr.P.C.

6. The revisional jurisdiction of the Sessions Court is concurrent with the revisional jurisdiction of this Court and therefore, when a person approaches the Sessions Court invoking its revisional jurisdiction, he is precluded by Section 397[3] Cr.P.C from once again approaching this Court by way of a second revision. However, in extraordinary circumstances, when it is shown that mere injustice has occurred, a petition under Section 482 Cr.P.C. is maintainable.

7. In this case, both the courts have appreciated the facts of the case and has given a clear finding, that the allegations of the petitioner does not warrant prosecution against the accused, since it appears the entire dispute is civil transaction, inasmuch as, accused No.1 had sold his own property and not that of the Company's. Since this Court does not find any serious infirmity or illegality in the orders passed by the Courts below warranting interference under Section 482 Cr.P.C.

8. Recording the same, this petition is dismissed. Any observation made herein shall in no way influence other proceedings pending between the parties.

Sd/-
Assistant Registrar(VI)

//True Copy//

Sub Assistant Registrar

gya

To

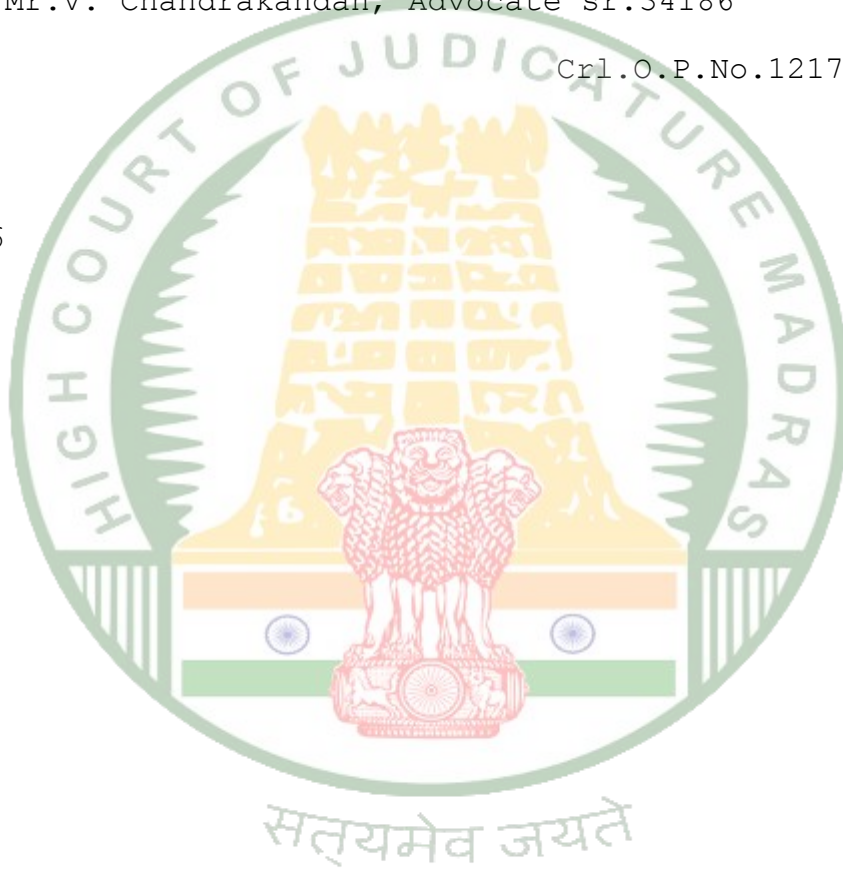
1. The District and Sessions Judge-II,
Kancheepuram.

2. The District Munsif Cum
Judicial Magistrate Sriperumbudur.

+ 1 cc to Mr.V. Chandrakandan, Advocate sr.34186

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MG(CO)
Eu 29.6.16



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