



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Thirty First day of August Two Thousand Sixteen

PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP (MD) No.5369 of 2016

IN

CRL RC (MD) No.SR18061 of 2016

LOGANATHAN

... PETITIONER/PETITIONER

Vs

1 V.SANTHANAM
2 THE INSPECTOR OF POLICE
PATTUKOTTAI TOWN POLICE STATION,
THANAJVUR DISTRICT.
CRIME NO.220/2010

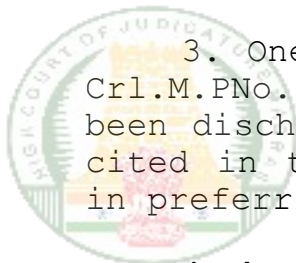
... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to condone the delay of 1524 days in filing the Criminal Revision Petition against the order passed by the Learned 1st Additional Sessions Judge, (PCR) Thanjavur in Crl.M.P.No.506 of 2012 dated 30.7.2012 in Spl.No.39 of 2012.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S S.RAVI, Advocate for the petitioner and of MRS.S.PRABHA, Government Advocate on behalf of the second Respondent and M/S.A.ARUNPRASAD, Advocate for the first respondent and the court made the following order:-

Witness No.2 in Special S.C.No.39 of 2012, on the file of the learned Special Court constituted under SC/ST(POA)Act)/ I Additional Sessions Judge, Thanjavur, seeks to condone the delay of 1524 days caused in preferring revision as against the order of discharge passed by the Trial Court in Cr.M.P.No.506 of 2012, discharging A4 from the case.

2.One Raghupathi was a Watchman under the petitioner. He was guarding his land situate in Latchathoppu near Railway Gate in Pattukkottai. On 20.5.2010, he was found murdered. In this connection, a case in Crime No.220 of 2010 has been registered by Pattukkottai Police. After investigation, final report was filed before the learned Magistrate and the case was committed to the learned Principal Sessions Judge, Thanjavur, who has made over the case to the Special Court/I Additional Sessions Judge, Thanjavur. The case is pending in Spl.S.C.39 of 2012.



3. One Santhanam is A4 in this case. His discharge petition in CrI.M.PNo.506 of 2016 has been allowed by the Special Court. A4 has been discharged from the case. Now witness No.2 namely, Loganathan cited in the charge-sheet seeks condonation of delay of 1524 days in preferring the revision as against the said order of discharge.

4.The learned counsel for the petitioner would contend that under the the deceased, a worker under the petitioner has been murdered and the discharge order is not in accordance with law and thus he challenges the same. However, delay has occurred. In the facts and circumstances, the delay may be condoned.

5.The Ist respondent filed counter. The learned counsel for the Ist respondent contended that as there was no material as against A4 and he was rightly discharged. Earlier, the de-facto complainant/witness No.1/Raghupathi has filed CrI.R.C.No.888 of 2013 before this Court for similar relief. However, he has withdrew it and it was dismissed as withdrawn on 4.2.2014.Thereafter, after a huge delay, witness No.2 cited in the charge-sheet, who is neither a de-facto complainant nor a victim nor a member of the family of the deceased nor a legal heir of the deceased wants to file this revision and that too, after so much of delay, only to harass the first respondent. And he has no valid ground to condone the delay.

6.I have anxiously considered the rival submissions, perused the materials available on record.

7.The locu-standi of witness No.2 to prefer a revision is a different matter. But the fact remains that the de-facto complainant filed revision and has withdrawn it. As stated by the learned counsel for the first respondent, the revision petitioner is neither a member of the family of the deceased nor a sufferer nor a crime victim and after so much of delay, without any acceptable reason, he seeks to revise the order of discharge, when especially, similar revision petition filed by the de-facto complainant namely, Raghupathi itself was dismissed.

8.On a closure scrutiny of the records, I am of the considered view that no valid ground has been made to show any indulgence to the petitioner to condone the huge, unexplained and unreasonable delay.

9.In view of the fore-goings, this Petition fails and accordingly the same stands dismissed.

sd/-

31/08/2016

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



To

1. Special Court under SC/ST(POA) Act,
I Additional Sessions Judge,
Thanjavur.

2. Do through The Principal Sessions Judge, Thanjavur.

3. The Inspector of Police
Pattukkottai Town Police Station,
Thanjavur District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC TO M/S.S.RAVI, ADVOCATE IN SR.NO.48685

+1 CC TO M/S.A.ARULPRASAD, ADVOCATE IN SR.NO.48530

Vsn

CSL/DB/SAR-I/02.09.2016: 2p/7c

ORDER
IN
CRL MP (MD) No.5369 of 2016
IN
CRL RC (MD) No.SR18061 of 2016
Date :31/08/2016