



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2016

CORAM:

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THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CrI.O.P.No.2669 of 2016
and CrI.MP(MD)No.1317 of 2016

R.Pandiyan .. Petitioner

Vs.

Jeevarathinam .. Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for records in pursuance of the order passed in Cr.M.P.No.284 of 2015 in C.C.No.68 of 2013 by learned Assistant Sessions Judge, Aruppukottai, Virudhunagar District dated 01.12.2015 and set aside the same and allow the petition.

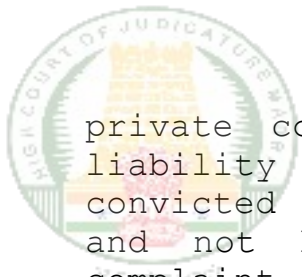
For Petitioner :: Mr.S.J.Chakkaravarthy

O R D E R

Seeking to set aside the order passed in Cr.M.P.No.284 of 2015 in C.C.No.68 of 2013 by learned Assistant Sessions Judge, Aruppukottai, Virudhunagar District dated 01.12.2015, the petitioner has come up with this petition.

2. Heard the learned counsel for the petitioner.

3. It is seen that this petitioner is the 4th accused in C.C.No.68 of 2013 that has been launched against him by Jeevarathinam/respondent. It is the case of Jeevarathinam that his wife Sudha is having an illicit affair with Loganathan and this petitioner and others have abetted the offence of the accused. Be that as it may, the petitioner filed an application before the trial Court contending that some corrections have been made in the private complaint that has been filed by Jeevarathinam and therefore, criminal action should be initiated against him. The said petition was numbered as CrI.M.P.No.284 of 2015 in C.C.No.68 of 2013 and the trial Court, after elaborate order, finding that the petitioner has not produced any material to show as to when those alleged corrections have been made, has dismissed the same. Apart from that, some of the corrections alleged by the petitioner are trivial in nature, which does not warrant any prosecution. Be that as it may, any corrections made in the



private complaint cannot have the effect of mulcting criminal liability on the accused person therein, because a person can be convicted only based on the evidence adduced by the prosecution and not based on the mere statements made in the private complaint.

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4. In fine, this Court finds that there is no infirmity in the order passed by the trial Court. Accordingly, there is no merit in the petition and the same is dismissed. Consequently connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar

RR

To

The Assistant Sessions Judge,
Aruppukottai,
Virudhunagar District

+1CC to Mr.S.J.Chakkaravarthy Advocate Sr.No.9143

GJM/SKS/RR/24.2.16-2p-3C

Crl. O.P. (MD) No.2669 of 2016

Dated : 15/02/2016