



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE B. GOKULDAS

Cr1.R.C. (MD) .No.647 of 2016

Palaniyandavar

.. Petitioner/Defacto complainant

Vs.

1.The Sub Inspector of Police, .. 1st Respondent/Complainant
Theni Police Station,
Theni.
(In Crime No.775 of 2014)

2.Jeyaraman

.. 2nd Respondent/Sole Accused

Prayer:- Criminal Revision case is filed under Sections 397 r/w 401 of Cr.P.C. to call for the records relating to the case in S.T.C.No.1736 of 2015 on the file of Judicial Magistrate Court, Theni and set aside the sentence, dated 28.08.2015 by enhancing the punishment of sentence to two years along with a compensation of Rs.50,000/- payable to the petitioner.

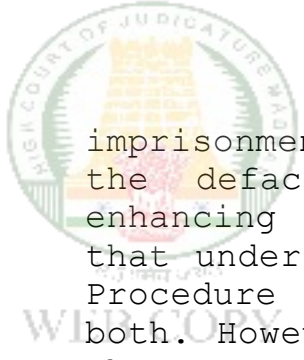
For Petitioner : Mr.D.Malaichamy
For Respondents : Mrs.S.Prabha, for R1
Government Advocate (Criminal Side)
Mr.S.Ramasamy for R2

ORDER

This criminal revision case is filed to call for the records relating to the case in S.T.C.No.1736 of 2015 on the file of learned Judicial Magistrate Court, Theni and set aside the sentence, dated 28.08.2015, by enhancing the punishment of sentence to two years along with a compensation of Rs.50,000/- payable to the petitioner.

2. The learned counsel for the petitioner, the learned counsel for the second respondent and the learned Government Advocate (Criminal Side) on behalf of the State are present and heard.

3. The learned counsel for the petitioner submitted that the second respondent/accused accepted his guilt and also filed a petition to that effect. The Trial Court relying upon the said submission and petition, convicted the accused/second respondent for the offence under Sections 294(b) and 506(i) IPC and imposed a fine of Rs.1,000/-, in default sentenced to undergo simple



imprisonment for one week. Aggrieved against the said conviction, the defacto complainant has filed the present revision for enhancing the punishment. The learned counsel further submitted that under Section 294, the punishment enacted as per the Criminal Procedure Code, 1973 is imprisonment for 3 months, or fine, or both. However, the learned Trial Judge, accepted the submission of the accused/second respondent and imposed cost of Rs.1,000/- only as fine, which is contrary to law. Therefore, the learned counsel prays for allowing this petition by enhancing the punishment.

4. In the above circumstances, this Court is not inclined to entertain the criminal revision case, since the District Court is also having the concurrent jurisdiction and the petitioner can very well approach the concerned District Court. Accordingly, the civil revision case is disposed of with liberty to the petitioner to approach the concerned District Court. Office is directed to return the original order to the petitioner counsel after getting the attested copy of the same, to enable him to file petition before the District Court.

Sd/
Assistant Registrar(RTI)

/TRUE COPY/

Sub Assistant Registrar(CS)

To

1. The Sub Inspector of Police,
Theni Police Station, Theni.
2. The Government Advocate (Cr1.Side),
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.D.Malaichamy, Advocate, in SR.No.80425.

+1cc to Mr.S.Ramasamy, Advocate, in SR.No.80343.

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