



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 16.06.2017
Pronounced on : 21.06.2017

WEB COPY

CORAM
THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL. OP. (MD) No. 914 of 2014
and
Crl.M.P.SR1137/2017 IN CRL MP (MD) .SR10757/2016
AND
CRL MP (MD) .SR1138/2017
IN
CRL MP (MD) .SR12263/2016

S.J.Sundar Singh

..Petitioner/Party in Person

Vs.

1. Indra

2. M. Maruthan

3. Mani

4. T. K. Subbiah

5. Ayyanar

6. Ambikapathy

7. C. Balamuthu

8. P. Ganesan

9. S. Chandran

10. A. V. Natarajan

11. Ramesh Natarajan

.. Respondents

Prayer:- Petition filed under Section 482 of Criminal Procedure Code, praying to call for the entire records in Crl. Revision Petition No. 91/2006 passed by the II Additional District Judge, Tiruchirappalli and order dated 18.11.2013 confirming the order dated 26.10.2006 passed by the Chief Judicial Magistrate, Tiruchirappalli in Crl.M.P.No.1164/2006 and set aside the same.



WEB COPY

For Petitioner	: Mr.Sundar Singh
	Party in Person
For Respondents	: Mr.VR.Shanmuganathan
	for RR10 & A11
	Mr.B.Jameelarasu
	for R1,R2, R4, R7 and R8

O R D E R

It is the case of Sundar Singh/petitioner herein that he filed O.S.No.1575/1994 and O.S.No.2114/1993 before the Munsif Court, Trichy against Paulraj and Ganesan and obtained an order of injunction. While so, one Indira and three others with the help of Iyyanar, the Sub Inspector of Police, Navalpattu Police Station, have criminally trespassed into the property and had taken away 40 bags of paddy and 2 sheaths of straw. Therefore, Sundar Singh filed a private complaint before the Chief Judicial Magistrate, Trichy, which was numbered as CrI.M.P.No.1164/2006. The learned Chief Judicial Magistrate, Trichy, recorded sworn statement of Sundar Singh and after perusal of the records, dismissed the private complaint on 26.10.2006 on the ground that there is no prima facie case made out for issuance of process to the accused. Aggrieved by the order of dismissal, Sundar Singh has filed CrI.R.C.No.91/2006 before the Sessions Court, Trichy and the case was heard by the learned II Additional District and Sessions Judge, who dismissed the same by a well considered order dated 18.11.2013. Aggrieved by the order, Sundar Singh has filed the present petition under Section 482 Cr.P.C.

2. Under Section 397 (3) Cr.P.C., when a person approaches the Sessions Court invoking revisional jurisdiction, he is precluded from filing second revision before the High Court. However, a petition under Section 482 Cr.P.C. is maintainable, if it is shown as the orders passed by the Courts below are without jurisdiction or ex-facie perverse. In this case, both the Courts have given a finding on facts that Sundar Singh had not made out a prima facie case for taking cognizance of the offences mentioned in the complaint and for issuance of process. This Court does not find either jurisdictional error or perversity in the orders passed by the Courts below warranting interference under Section 482 Cr.P.C.

3. During the pendency of this petition, he has filed several miscellaneous petitions in CrI.M.P.(MD) Nos.SR1137/2017, SR10757/2016, SR1138/2017 and SR12263/2016, which were found to be not maintainable by the Registry, as they were beyond the scope of the original prayer in the main petition. Therefore, these miscellaneous petitions were also posted along with the main petition for deciding their maintainability.



4. In the result, this petition is devoid of merits and accordingly, the same is dismissed. In view of the dismissal of the main petition, the Miscellaneous Petitions stand dismissed.

WEB COPY

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The II Additional District Judge,
Tiruchirappalli
2. The Chief Judicial Magistrate,
Tiruchirappalli
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.B.Jameelarasu, Advocate Sr.No.61466

+1cc to Mr.VR.Shanmuganathan, Advocate Sr.No.61591

RR

VB/JC/SAR1/12.07.2017/3P/6C

order made in

CRL. OP.(MD)No.914 of 2014

and Cr1.M.P.SR1137/2017 IN CRL MP(MD).SR10757/2016

AND CRL MP(MD).SR1138/2017 IN

CRL MP(MD).SR12263/2016

21.06.2017