



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

WEB COPY

Crl.O.P. (MD) Nos. 652 to 655 of 2017 and
Crl.M.P. (MD) Nos. 567 to 574 of 2017

Arunagiri : Petitioner in all Crl.O.Ps/
Petitioner/Respondent/Accused

Vs.

State rep. by its The Deputy Director,
Industrial Safety and Health,
Tiruchirappalli. : Respondent in all Crl.O.Ps/
Respondent/Petitioner/Complainant

Common Prayer : Criminal Original Petitions are filed under Section 482 of the Code of Criminal Procedure praying to set aside the order passed by the learned Second Additional District Judge, Tiruchirappalli, in Criminal Revision Nos. 54, 55, 56 and 57 of 2015, dated 31.08.2016, which was confirmed in Crl.M.P. Nos. 3025, 3024, 3026 and 3027 of 2014 in S.T.C. Nos. 24, 24, 23 and 23 of 2014, dated 29.06.2015, respectively, on the file of the Chief Judicial Magistrate, Tiruchirappalli and allow these petitions.

For Petitioner in all Crl.OPs : Mr.M.Subash Babu
For Respondent in all Crl.OPs : Mr.A.P.Balasubramani,
Government Advocate (Crl.side)

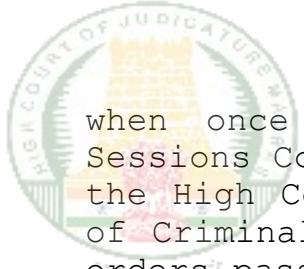
COMMON ORDER

The petitioner is facing prosecutions for offences under the Factories Act before the learned Chief Judicial Magistrate, Tiruchirappalli. After the prosecution evidence was over and at the time of arguments, the complainant filed petitions under Section 311 of the Code of Criminal Procedure, to permit the prosecution to examine the witnesses viz., Thiru.S.Elangovan and Tmt.A.Kavitha and for marking of certain documents. The said petitions were allowed by the learned Chief Judicial Magistrate on 29.06.2015. Challenging the said orders, the petitioner preferred the revisions in Criminal Revision Nos. 54, 55, 56 and 57 of 2015 before the learned Second Additional District Judge, Tiruchirappalli and the same were dismissed by the learned Judge on 31.08.2016, challenging which, the petitioner is before this Court invoking the inherent jurisdiction under Section 482 of the Code of Criminal Procedure.

2. Heard Mr.M.Subash Babu, learned counsel for the petitioner and Mr.A.P.Balasubramani, learned Government Advocate (Criminal side) appearing for the respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

3. Under Section 397(3) of the Code of Criminal Procedure,



when once a person invokes the revisional jurisdiction of the Sessions Court, he is precluded from filing a second revision before the High Court. However, a petition under Section 482 of the Code of Criminal Procedure is maintainable, where it is shown that the orders passed by the Courts below are *per se* illegal and opposed to law. The questions of fact cannot be gone into in a petition under Section 482 of the Code of Criminal Procedure.

4. Mr.M.Subash Babu, learned counsel for the petitioner contended that the prosecution had filed the petitions under Section 311 of the Code of Criminal Procedure at a very belated stage and that has caused much prejudice to the petitioner.

5. In the considered opinion of this Court, a petition under Section 311 of the Code of Criminal Procedure can be filed at any time before the judgment is delivered and both the Courts below have held in favour of the complainant on facts. Under such circumstances, this is not a fit case to invoke the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, to quash the orders passed by the Courts below. However, if any new documents are admitted, the copies of the same should be furnished in advance to the accused, so that, he can cross-examine the witnesses effectively.

6. With the above direction, these Criminal Original Petitions are dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Second Additional District Judge,
Trichirappalli.
2. The Chief Judicial Magistrate,
Tiruchirappalli.
3. The Deputy Director,
Industrial Safety and Health,
Tiruchirappalli.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO Mr.M.SUBASH BABU, ADVOCATE IN SR No. 14195

SML

TE/RR : 21/03/2017 : 2P/6C

Common Order made in
Crl.O.P. (MD) Nos.652 to 655 of 2017 and
Crl.M.P. (MD) Nos.567 to 574 of 2017
Dated: 09.03.2017