



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P. (MD) No.7207 of 2017

and

Crl.M.P. (MD) Nos.4896 and 4897 of 2017

Rejendran

: Petitioner/Petitioner/Accused

-Vs-

The State represented by
The Inspector of Police,
Airport Police Station,
Trichy.

(Crime No.102 of 2008)

: Respondent/Respondent/Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to set aside the order dated 05.01.2017 made in Crl.R.C.No53 of 2016 on the file of the learned District and Sessions Judge, Tiruchirapalli, confirming the judgment dated 24.10.2014, made in Crl.M.P.No.1855 of 2016 in C.C.NO.98/2016 on the file of the learned Judicial Magistrate No.VI, Tiruchirapalli.

For Petitioner : Mr.C.Jeganathan
for M/s Veera Associates

For Respondent : Mr.K.Anbarasan
Government Advocate (Crl.Side)

O R D E R

The petitioner is facing prosecution in C.C.No.98 of 2016 for the offence under Section 12(1)(b) of Passport Act before the learned Judicial Magistrate No.VI, Tiruchirapalli. The petitioner filed an application under Section 239 Cr.P.C. for discharge before the learned Judicial Magistrate No.VI, Tiruchirapalli in C.C.No.98 of 2016, which has been dismissed by the trial Court on 24.10.2016, aggrieved by which, the petitioner filed a revision in Criminal Revision Case No.53 of 2016. It was also dismissed by the Sessions Court, Tiruchirapalli on 05.01.2017. Challenging the order passed by the Sessions Court and the trial Court, the petitioner has filed the present petition.



2. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

3. At the outset, under Section 397(3) Cr.P.C., a second revision before the High Court is not maintainable at the instance of the party, who has invoked the revisional jurisdiction before the Sessions Court under Section 397(1) Cr.P.C. However a petition under Section 482 Cr.P.C. is maintainable where it is shown that the order passed by the Court below is per se without jurisdiction and perverse. In this case, the petitioner had taken the ground of limitation before both the Courts which was rejected by the Courts below. In fact, under Section 473 Cr.P.C., even in the absence of proper explanation for condonation of delay by the prosecution, the Court can condone the delay in serious cases as held by the Honourable Supreme Court in **Vanka Radhamanohari (Smt) Vs. Vanka Venkata Reddy and Others** reported in **1993(3) SCC 4**.

4. In the result, this Criminal Original Petition is devoid of merits. Accordingly, the same is dismissed. Consequently, the connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The Principal District and Sessions Judge,
Tiruchirapalli.

2.The Judicial Magistrate No.VI, Tiruchirapalli.

3.The Chief Judicial Magistrate, Trichy.

4.The Inspector of Police,
Airport Police Station,
Trichy.

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

+1 cc to Mr.Veera Associates , Advocate in SR.No. 60476

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AE/MR/SAR3/22.06.2017/2P/7C