

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 11.07.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.R.C(MD) .No.106 of 2017
and
Cr1.M.P(MD)No.903 of 2017

Xavier Amala Dhasan

... Petitioner

-Vs-

1. The State, represented by
The Inspector of Police,
Anti-Land Grabbing Special Cell,,
District Crime Branch,
Nagercoil,
Kanyakumari District
(Crime No.22 of 2016)

... Respondent/Complainant

2. Indhumathi

2. Sornam

...Respondents/Accused No.1 and 2

Prayer: Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, praying this Court to call for the records in Docket Order dated 16.12.2016 on the file of the learned Judicial Magistrate, Special Court for Land Grabbing Cases, Tirunelveli in Cr.No.22 of 2016, on the file of the first respondent and to set aside the same.

For Petitioner : Mr.B.N.Raja Mohammed,
for M/s.Antony S.Prabahar.

For Respondent-1 : Mr.C.Mayil vahana Rajendran,
Additional Public Prosecutor(Cr1.Side).

For Respondents : Mr.T.Arul.
2 and 3

O R D E R

Challenging the order refusing to remand the second and
<https://hcservices.ecourts.gov.in/hcservices/>
third respondents, the present revision is filed.



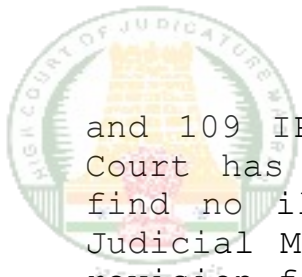
2. Earlier, based on the complaint given by the Petitioner, a crime has been registered against eight persons, wherein, the respondents 2 and 3 are shown as A1 and A2, for the offence under Sections 120(b), 420, 465, 468, 471 and 109 IPC. The above said complaint has been given on the ground that a land measuring an extent of 2.12 acres in S.No.658/1 originally belongs to one Karyneeli Nadachie. Subsequent to her death, her sons inherited the property and they sold the property in favour of one Father Vincent in the year 1899. In the year 1952, Father Vincent has executed a settlement deed in favour of the de-facto complainant. Thereafter, de-facto complainant become the owner of the property. Now a joint patta has been issued, in which, Rassaiah Nadar and Sriraman Nadar names were wrongly included as a joint pattadhars. Thereafter, A1 and A2 who claims to be the legal representatives of Sriraman Nadar transferred the patta in their name and based on the transfer of patta, A1 executed a settlement deed in favour of A2, whereby they committed the offence. Thereafter, A1 and A2 were arrested and they were produced before the learned Judicial Magistrate (Special Court for Land Grabbing Cases), Tirunelveli for remand. The learned Judicial Magistrate after considering the materials, found that no offence is made out against A1 and A2 and hence refused to remand the respondents 2 and 3. Challenging the same, the present revision is filed.

3. I have heard the submissions of Mr. B.N. Raja Mohammed, for M/s. Antony S. Prabhakar, learned counsel for the Petitioner and Mr. C. Mayilvahan Rajendran, learned Additional Public Prosecutor appearing for the first respondent and Mr. T. Arul, learned counsel appearing for the second and third respondents and considered the materials available on record.

4. Even as per the complaint filed by the Petitioner, a joint patta has been issued in the name of the de-facto complainant, Rassaiah Nadar and Sriraman Nadar. A1 and A2, who claims to be the legal heirs of Sriraman Nadar filed an application to transfer patta in their name. When the same was not considered, they have filed a Writ Petition in W.P.No.7888 of 2016 before this Court and this Court passed an order directing the Tahsildar concerned to consider their representation. After enquiry, the Tahsildar transferred the patta in the name of R2 and R3, that order transferring the patta in the name of R2 and R3 was challenged by the De-facto complainant in W.P.No.22033 of 2016 and this Court directed the de-facto complainant to file an appeal. Subsequently, an appeal was also filed before the Revenue Divisional Officer, Kanyakumari District and the appeal is still pending. Now the dispute is pending before the Revenue Authorities.

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

5. From the averments made in the complaint, no offence is made out for the offence under Sections 120(b), 420, 468, 465, 471



and 109 IPC against them. In the above circumstances, the trial Court has rightly refused to accept the remand of R2 and R3. I find no illegality or irregularity in the order of the learned Judicial Magistrate. I find no merit in the revision and thus the revision fails.

WEB COPY

6. Accordingly, the Criminal Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Special Court for Land Grabbing Cases,
Tirunelveli.
2. The Inspector of Police,
Anti-Land Grabbing Special Cell,,
District Crime Branch,
Nagercoil,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S. ANTONY S.PRABAHAR, Advocate, SR.No.64698.

+1cc to M/S. T.ARUL, Advocate, SR.No.64771.

Cr1.R.C(MD) .No.106 of 2017
and

Cr1.M.P(MD)No.903 of 2017
11.07.2017

vsn

SDS/SKN:RSK/SAR 1/20.07.2017/3P/6C