



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2017

CORAM:

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THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

Cr1.RC(MD)No.221 of 2017

V.Subramani : Petitioner / Respondent/Defacto Complainant

Vs.

State Rep.by

The Inspector of Police,

Aamathur Police Station,

Virudhunagar District

In Cr.No.31 of 2011 : Respondent / Respondent/ Complainant

Prayer: Revision is filed under Section 397 r/w 401 of Cr.P.C., praying to call for the records pertaining to the order dated 26.09.2016 in Cr.M.P.No.9797 of 2015 in Crime No.31 of 2011 passed by the learned Judicial Magistrate No.II, Virudhunagar and set aside the same and direct the learned Judicial Magistrate to take the objection of the petitioner for enquiry by allowing this Criminal Revision Petition.

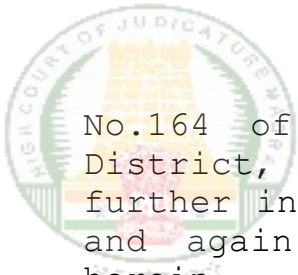
For Petitioner : Mr.K.Kannan

For Respondent : Mr.C.Mayilvahana Rajendran,
Addl.Public Prosecutor.

ORDER

This Criminal Revision is filed praying to call for the records pertaining to the order dated 26.09.2016 passed in Cr.M.P.No.9797 of 2015 in Crime No.31 of 2011 by the learned Judicial Magistrate No.II, Virudhunagar and set aside the same and direct the learned Judicial Magistrate to take the objection of the petitioner for enquiry by allowing this Criminal Revision Petition.

2. The learned counsel appearing for the petitioner states that the present Revision is preferred against the order of learned Judicial Magistrate No.II, Virudhunagar, accepting the final report filed by the respondent herein and rejecting the objection filed by the petitioner herein, as per order dated 26.09.2016 in Cr.M.P.No.9797 of 2015 in Crime No.31 of 2011. It is also admitted that earlier final report was set aside and was directed to re-investigate the case, as per order in Cr1.O.P(MD)



No.164 of 2013 by the Superintendent of Police, Virudhunagar District, as per order dated 05.06.2014. Thereafter, the case was further investigated by the Superintendent of Police, Virudhunagar and again negative final report was filed by the respondent herein.

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3. On perusal of the impugned order would show that the case was further investigated by examining the other witnesses and negative report was filed before the trial Court. The protest application filed by the petitioner was rejected. Considering the above facts and circumstances, this Court is not inclined to allow the Revision.

4. In the result, the Revision Petition stands dismissed, however, with liberty to the petitioner to file a private complaint in accordance with law.

Sd/-

ASSISTANT REGISTRAR

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

1.The Judicial Magistrate No.II,
Virudhunagar.

2.The Cheif Judicial Magistrate, Srivilliputhur at Virudhunagar.

3.The Inspector of Police,
Aamathur Police Station,
Virudhunagar District

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

5. The Record Keeper,
Criminal Section,
Madurai Bench of Madras High Court

+1CC TO MR.K.KANNAN, ADVOCATE, SR NO.61574

MPK

MAS/JC/SAR3:03.07.2017:2P-7C

Cr1.RC(MD)No.221 of 2017

Dated:-

21.06.2017