



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2017

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.R.C. (MD)No.665 of 2016

and

Cr1.M.P (MD)No.9267 of 2016

Biju Ramesh

... Petitioner/Accused

-Vs-

The Executive Officer,
Kanyakumari Special Grade Town Panchayat,
Agastheeswaram Taluk,
Kanyakumari District.

... Respondent/Complainant

Prayer : Criminal Revision Case is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records pertaining to the order in Cr.M.P.No.2561 of 2016, dated 11.08.2017 passed by the Judicial Magistrate No.I, Nagercoil, Kanyakumari District and set aside the same and discharge the petitioner from the case in S.T.C.No.1832 of 2007.

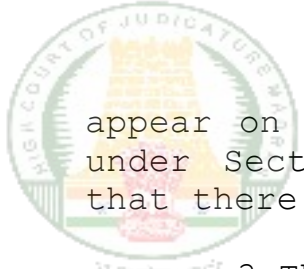
For Petitioner : Mr.T.Lajapathi Roy

For Respondent : Mr.Aayiram K.Selvakumar,
Government Advocate.

ORDER

The Criminal Revision has been filed against the order dismissing the petition filed by the petitioner under Section 258 Cr.P.C to stop the proceedings dated 11.08.2016 in Cr.M.P.No.2561 of 2016 in S.T.C.No.1832 of 2007 on the file of the Judicial Magistrate No.I, Nagercoil, Kanyakumari District.

2.The petitioner stood charged for the offences under Sections 199, 317(A), 216(1), 216(2), 339, 340(1) and 344 of the Tamil Nadu Building Municipalities Act. The above complaint has been given on the ground that the petitioner has made construction in Door No.5/76G, Church Road, Kanyakumari District, in violation of the building plan approved by the Kanyakumari Municipality and he has also demolished the existing building without any permission. Based on the complaint, the Court below has taken cognizance of the offence and issued summons to the petitioner to



appear on 24.09.2007. Thereafter, the petitioner filed a petition under Section 258 Cr.P.C to stop the proceedings on the ground that there is no *prima facie* case is made out against him.

3.The Court below, after considering the entire materials available on record, has come to the conclusion that the Municipality has issued a show-cause notice to the petitioner on 04.06.2007 and passed an order on 20.08.2007 and thereafter only, the present complaint has been filed for violation of various provisions of the Tamil Nadu Building Municipalities Act. The Court below has also found that there is a *prima facie* case is made out against the petitioner and dismissed the petition.

4.I have carefully gone through the entire materials available on record and I am satisfied that there are *prima facie* materials available against the petitioner and there is no ground to stop the proceedings, that too under Section 258 Cr.P.C. Hence, I do not find any illegality or irregularity in the order passed by the trial Court. Accordingly, this Civil Revision Case fails and the same is dismissed. Consequently, connected MP is also dismissed.

Sd/-
Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

The Judicial Magistrate No.I,
Nagercoil, Kanyakumari District.

+1 cc to Mr.T.Lajapathi Roy , Advocate in SR.No. 76276
+1 cc to Mr.Aayiram K.Selvakumar , Advocate in SR.No. 76582

ps
AE/KP/SAR3/14.09.2017/2P/4C

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