



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2018

CORAM:

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.R.C.(MD) No.114 of 2018

A.Vinish Raj Anto

... Petitioner/Petitioner

vs.

1. The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.

2. Sutharsanan

... Respondents/Respondents

PRAYER: Criminal revision filed, under Section 397 and 401 Cr.P.C., to call for the records and set aside the order dated 31.03.2010 in Crl.M.P.No.5489 of 2008 on the file of the Judicial Magistrate, Padmanabapuram, Kanyakumari District.

For Petitioner

: Mr.C.T.Perumal

For 1st Respondent

: Mrs.S.Bharathi

Government Advocate

ORDER

On the complaint lodged by the petitioner, the respondent police registered a case in Crime No.204 of 2008 on 04.04.2008 and after completing the investigation, filed charge sheet in C.C.No.112 of 2008, before the Judicial Magistrate, Padmanabhapuram, Kanyakumari District for the offences under Sections 294(b), 323 and 506(i) I.P.C. against one Sutharsanan, the second respondent herein. Sutharsanan appeared before the trial Court and pleaded guilty to the charges on 04.10.2016 and he was convicted and sentenced to pay a fine of Rs.3,500/-. During the pendency of the trial in C.C.No.112 of 2008, the petitioner had filed Crl.M.P.No.5489 of 2008 for further investigation under Section 173(8) Cr.P.C., which came to be dismissed on 31.03.2010. Now, after conviction and sentence of Sutharsanan, the petitioner has filed the present Criminal Revision Case, challenging the order dated 31.03.2010 in Crl.M.P.No.5489 of 2008 with a delay of 2741 days. This Court has condoned the delay of 2741 days in Crl.M.P.(MD) No.1271 of 2018.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side) for the first respondent.

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

3.Learned counsel for the petitioner submitted that the



original F.I.R. was registered for offences under Sections 147, 148, 294(b), 323, 324, 427 & 307 I.P.C. against many persons, but after completing the investigation, charge sheet has been filed only against Sutharsanan under Sections 294(b), 323 and 506(i) I.P.C. and Sutharsanan has pleaded guilty and was let off with fine only.

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4. In the considered opinion of this Court, the prayer for further investigation has been dismissed by the trial Court as early as on 31.03.2010 in CrI.M.P.No.5489 of 2008. The petitioner did not immediately challenge the order. Now after the accused has been convicted, the challenge cannot be made on the ground that he has been awarded a very light sentence. That apart defacto complainant cannot seek further investigation under Section 173(8) Cr.P.C. as held by the Hon'ble Apex Court in **Amrutbhai Shambhubhai Patel v. Sumanbhai [(2017) 4 SCC 177]**.

5. Hence, this Criminal Revision Case is devoid of merits and accordingly, dismissed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To:

1. The Judicial Magistrate,
Padmanabhapuram,
Kanyakumari District.
2. The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.C.T.PERUMAL, ADVOCATE IN SR No. 51388

SJ

TE/JC/SAR-2 : 14/03/2018 : 2P/5C

CrI.R.C.(MD) No.114 of 2018
26.02.2018