



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.R.C.(MD) No.165 of 2018

T.Lal Singh

... Petitioner/Complainant

vs.

1.Padmanabanpillai,
Sub Inspector of Police,
Arumanai Police Station,
Kanyakumari District.

2.Rajaiyan,
Head Constable (K.K.197),
Arumanai Police Station,
Kanyakumari District.

3. Bruswelt

... Respondents/Accused

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C., praying to call for the records relating to the judgment dated 08.03.2008 in P.R.C.No.5 of 2008 passed by the learned Judicial Magistrate No.1, Kuzhithurai, set aside the same.

For Petitioner : Mr.L.Shaji Chellan
For Respondent : No Appearance

O R D E R

For the sake of convenience, the petitioner and the respondents herein are referred to as "the complainant" and "the accused" respectively in this order.

2.Heard Mr.L.Shaji Chellan, learned counsel appearing for the complainant.

3.The complainant initiated a prosecution in P.R.C.No.5 of 2008 before the Judicial Magistrate No.1, Kuzhithurai against the accused for the offence under Section 30 of the Protection of Human Rights Act. In order to establish the case, the complainant examined six witnesses, whose sworn statements were examined by the trial Court. After considering the evidence adduced by the complainant, the trial Court by the impugned order dated 08.03.2008, in P.R.C.No.5 of 2008 dismissed the complaint under Section 203 Cr.P.C. holding that the complainant has not made out a prima facie case. Challenging the



said order, the present Criminal Revision Case has been filed with a delay of 173 days. Therefore, the complainant filed M.P.(MD) No.1 of 2008 in Crl.R.C.(MD) No.SR25316 of 2008 under Section 5 of the Limitation Act, which was allowed by this Court today.

4.On a careful perusal of the evidence adduced by the complainant before the trial Court, this Court does not find any prima facie material to proceed against the accused. The power of this Court under Section 397 Cr.P.C. can be invoked only if it is shown that the order passed by the trial Court suffers from illegality or irregularity. Hence, the order of dismissal passed by the trial Court under Section 203 does not warrant interference.

5.Accordingly, the Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To:

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

+ 1 CC TO Mr.L.SHAJI CHELLAN, ADVOCATE IN SR No. 57244

SJ

TE/SKN-RSK/SAR-3 : 09/04/2018 : 2P/3C

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