



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.R.C. (MD) No.180 of 2018

L.Ramesh

... Petitioner/Defacto
Complainant

vs.

1.The State of Tamil Nadu,
Represented by the Inspector of Police,
Tamil University Police Station,
Thanjavur District.
(Crime No.140 of 2007)

... 1st Respondent/Complainant

2.K.Balu @ Balakrishnan
3.G.Vadivel

... Respondents 2 & 3/Accused

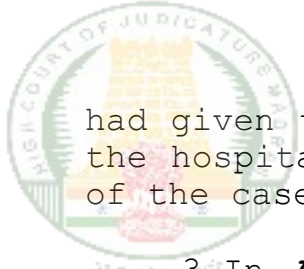
PRAYER: Criminal Revision Case filed under Sections 397 R/W 401 Cr.P.C., praying to call for the records relating to the judgment dated 21.12.2011 made in C.C.No.64 of 2008 on the file of the Learned Judicial Magistrate No.2, Thanjavur District and set aside the same.

For Petitioner	: Mr.R.Suresh Kumar
For 1 st Respondent	: Mrs.S.Bharathi, Government Advocate (Criminal side)
For 2 nd Respondent	: Mr.A.Arun Prasad

O R D E R

The respondents 2 and 3/accused faced prosecution in C.C.No.64 of 2008 before the Judicial Magistrate No.II, Thanjavur for the offences under Sections 341, 323, 326 and 506(ii) r/w 109 I.P.C., in which the trial Court has acquitted the accused on 21.12.2011. Challenging the acquittal, the defacto complainant has filed the present Criminal Revision Case with a delay of 273 days. This Court has condoned the delay in M.P.(MD) No.1 of 2012 in Crl.R.C. (MD) No.SR35042 of 2012 today.

2,Coming to the merits in the Criminal Revision Case, it is seen that the petitioner was examined before the trial Court as P.W.1. Before the trial Court, the petitioner has given contrary statements, in as much as, during chief-examination he has stated that the police complaint was recorded while he was in the hospital, but subsequently, in the cross examination, he has stated that he



had given the police complaint first and thereafter got admitted to the hospital. Therefore, the trial Court has found that the genesis of the case has been suppressed by the prosecution.

3. In **Arulvelu and another vs. State [2009 (10) SCC 206]**, the Hon'ble Supreme Court held that when two views are possible, the view favouring the accused merits acceptance. On a reading of the trial Court judgment, this Court does not find any infirmity or impropriety warranting interference in revisional jurisdiction.

4. In the result, this Criminal Revision Case stands dismissed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.II,
Thanjavur.
2. The Inspector of Police,
Tamil University Police Station,
Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SJ
TE/SV-MMS/SAR-4 : 10/04/2018 : 2P/4C

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