



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.R.C.(MD) No.19 of 2018
and
Crl.M.P.(MD) No.204 of 2018

S.Chidambaram

... Petitioner/Respondent

vs.

1. The State
rep.by the Inspector of Police,
Thathaiyankarpettai Police Station,
Tiruchirappalli District. ... 1st Respondent/Complainant

2.Sirengan ... 2nd Respondent/Sole Accused

PRAYER: Criminal revision filed, under Section 397 r/w 401 Cr.P.C., to set aside the order passed in Cr.M.P.No.5129 of 2017 in S.T.C.No.162 of 2017, dated 06.09.2017, by the learned Judicial Magistrate, Thuraiyur, Trichy District.

For Petitioner : Mr.R.M.Makesh Kumaravel

For Respondents : Mr.M.Asokan

Government Advocate (Crl.Side) for R1

ORDER

The petitioner is working as Special Sub-Inspector of Police in Thathaiyankarpettai Police Station. He registered a case in Crime No.69 of 2017 under Section 294(b) I.P.C., against one Sirengan. Thereafter, investigation was completed and charge sheet was filed in S.T.C.No.162 of 2017, before the learned Judicial Magistrate, Thuraiyur, for the offence under Section 294(b) I.P.C., against the said Sirengan. The learned Judicial Magistrate, by order dated 17.07.2017, acquitted Sirengan, however, issued a show-cause notice dated 06.09.2017, calling upon the petitioner to give his explanation as to why compensation should not be ordered for illegal prosecution, under Section 250(1) Cr.P.C. Challenging the said show-cause notice, the petitioner has filed the present revision with a delay of 11 days.

<https://hcservices.courts.gov.in/hcservices/> 2. This Court condoned the delay by order dated 09.01.2017 in Crl.M.P.(MD) No.129 of 2018 in Crl.R.C.(MD) No.SR37806 of 2017 and took up the main revision itself for final disposal.



3. It is seen that the Trial Court has issued only a show-cause notice calling upon the petitioner to give his explanation. Show-cause notice is only an interlocutory order and therefore, it is not amenable to the revisional jurisdiction in view of the bar under Section 397(2) Cr.P.C. Hence, the criminal revision is dismissed with liberty to the petitioner to appear before the Trial Court and submit his explanation as called for and on such explanation being given by the petitioner, the Trial Court shall consider the same and pass orders in accordance with law. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To:

1. The Judicial Magistrate,
Thuraiyur, Trichy District.
2. The Inspector of Police,
Thathaiyankarpettai Police Station,
Tiruchirappalli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

KRK

TE/KKR/SAR-1 : 23/01/2018 : 2P/4C

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09.01.2018