



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2018

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CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.R.C. (MD) No.63 of 2018

Thulasi

: Petitioner

Vs.

The Inspector of Police,
Town West Police Station,
Thanjavur,
Thanjavur District.

: Respondent

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of the Criminal Procedure Code praying to set aside the order dated 02.01.2018 passed in Crl.M.P.No.7997 of 2017 by the learned Judicial Magistrate No.I, Thanjavur and allow this Criminal Revision Case.

For Petitioner : Mr.S.Alagusundar

For Respondent : Mrs.S.Bharathi,

Government Advocate (Crl.side)

ORDER

On 09.02.2018, this Court passed the following order:

"Thulasi filed a private complaint before the learned Judicial Magistrate No.I, Thanjavur, under Section 156(3) of the Code of Criminal Procedure for a direction to the Inspector of Police, Thanjavur, West Police Station, to investigate the circumstances relating to the death of her brother - Rajendran. According to Thulasi, Rajendran got estranged from his wife about several years back; that Rajendran was an Ex-serviceman and thereafter, he was working as Driver in Customs Department from where he retired; Thulasi has alleged that Rajendran was in the illegal custody of a rowdy element, by name, Sathish and



that none of his relatives were allowed by Sathish to meet Rajendran; that Rajendran died on 15.10.2007 in his residence and that there is a suspicion in his death. Hence, the complaint.

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2. The learned Judicial Magistrate No.I, Thanjavur, took up the complaint on file in Cr.M.P.No.7997 of 2017 and dismissed the same, by a detailed order dated 02.01.2018, challenging which Thulasi has filed the present Criminal Revision Case.

3. On the directions of this Court, Mr.M.Jothi Mahalingam, the Inspector of Police, Town West Police Station, Thanjavur, is present in Court. On instructions, Mrs.S.Bharathi, learned Government Advocate [Criminal Side], submitted that Sathish is not a rowdy element, but, however, ten years back, a murder case was registered against him, in which he was acquitted and after acquittal, he is plying Auto rickshaw and earning his livelihood. She also submitted that Sathish is none other the deceased Rajendran's elder brother Madhavan's son. Madhavan had also died and therefore, Sathish was taking care of his junior paternal uncle -Rajendran, till his death. Rajendran, out of love and affection, has left Rs.35,00,000/- in a fixed deposit in Indian Overseas Bank, Thanjavur, in which Sathish has been shown as nominee. Only in order to grab that money, suddenly, all the surviving sisters and brothers of Rajendran are alleging that Sathish had murdered Rajendran. This Court perused the impugned order passed by the learned Judicial Magistrate No.I, Thanjavur and does not find any serious infirmity.

4. Registry is directed to post the Criminal Revision Case on 12.02.2018 for orders."

2. The learned counsel for the petitioner submitted that Sathish has murdered Rajendran and there are sufficient materials, like a Compact Disc, to prove the case.

3. It is obvious that a sum of Rs.35,00,000/- (Rupees Thirty Five Lakhs only) that has been left by Rajendran, in which, Sathish has been shown as a nominee, is the reason for all these litigations. In such view of the matter, this Court does not find any infirmity in the order passed by the learned Judicial Magistrate No.I, Thanjavur warranting interference. Hence, this Revision is devoid of merits and accordingly, the same is dismissed.

Sd/-

Assistant Registrar(AE)

/True Copy/



To

1. The Judicial Magistrate No.I,
Thanjavur.

2. The Inspector of Police,
Town West Police Station,
Thanjavur, Thanjavur District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

sml

MV:GT:SAR3:27/02/2018/3P/4C

Order made in

Cr1.R.C. (MD) No.63 of 2018

Dated:-

13.02.2018