



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2018

CORAM:

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.R.C.(MD)No.87 of 2018

V.Srinivasan : Petitioner/Petitioner/Appellant

Vs.

1. State through the Sub-Inspector of Police,
Thirunagar Police Station,
Thirunagar,
Madurai.
(Cr.No.462 of 2006).

2. H.Hariharan : Respondents/Respondents/Respondents

PRAYER: Criminal Revision Case is filed under Sections 397 and 401 of the Criminal Procedure Code praying to call for the entire records pertaining to the order dated 10.11.2017 in Cr.M.P.No.1211 of 2016 in C.A.(SR)No.3460/2016 passed by the learned Principal Sessions Judge, Madurai and set aside the same.

For Petitioner	: Mr.K.Kannan
For Respondent No.1	: Mrs.S.Bharathi, Government Advocate (Crl.side)
For Respondent No.2	: Mr.S.Balaji

ORDER

The dispute is essentially between the petitioner and his brother-in-law. On the complaint lodged by the petitioner, the first respondent police registered a case in Crime No.462 of 2006 and after completing the investigation, filed a charge sheet in C.C.No.253 of 2007 before the learned Judicial Magistrate No.VI, Madurai for the offences under Sections 448, 294(b), 341, 323 and 506(1) of the Indian Penal Code against the second respondent/accused. The said prosecution has been withdrawn by the State and the accused was acquitted on 12.12.2013 by the learned Judicial Magistrate No.VI, Madurai. Challenging the acquittal, the petitioner, who is the *defacto* complainant, filed C.A.(SR).No.3460 of 2016 with a huge delay of 788 days. Therefore, the petitioner filed Cr.M.P.No.1211 of 2016 in C.A.(SR).No.3460 of 2016 under Section 5 of the Limitation Act, which has been dismissed by the learned Principal Sessions Judge, Madurai, by order dated 10.11.2017, challenging which, the present Criminal Revision Case has been filed.



2. Heard Mr.K.Kannan, learned counsel for the petitioner, Mrs.S.Bharathi, learned Government Advocate (Criminal side) for the first respondent and Mr.S.Balaji, learned counsel for the second respondent.

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3. The learned counsel for the petitioner submitted that serious prejudice has been caused to the petitioner by the acquittal of the second respondent/accused and, therefore, the delay should be condoned.

4. Per contra, the learned counsel for the second respondent submitted that from 2006 to 2013, a charge sheet for trivial offences was kept pending and ultimately, the accused was acquitted in the year 2013. That apart, the learned counsel contended that the accused is none other than the brother-in-law of the petitioner.

5. Taking into consideration the conspectus of the facts obtaining in this case, this Court does not find any serious infirmity in the order dated 10.11.2017 passed by the learned Principal Sessions Judge, Madurai, in Cr.M.P.No.1211 of 2016 in C.A. (SR).No.3460 of 2016 warranting interference at this belated stage.

6. In the result, this Criminal Revision Case is devoid of merits and accordingly, the same is dismissed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Sessions Judge,
Madurai.
2. The Sub-Inspector of Police,
Thirunagar Police Station,
Thirunagar, Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.S.BALAJI, ADVOCATE IN SR No. 56677

+ 1 CC TO Mr.K.KANNAN, ADVOCATE IN SR No. 56659

SML

TE/SKN-RSK/SAR-1 : 05/04/2018 : 2P/6C