



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 14.08.2018

CORAM:

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**
Crl.R.C(MD)No.354 of 2018

and
Crl.M.P(MD) No.4894 of 2018

- 1.SP.Ramu
- 2.S.M.Lakshmanan
- 3.G.Seenivasan
- 4.M.Kumaresan

: Petitioners/Accused

Vs.

1. The State represented by
Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.

2. The State represented by
Inspector of Police,
District Crime Branch,
Sivagangai.

: Respondents/Complainant

3. K.Mohamed Ali

: 3rd Respondent/Defacto
complainant

PRAYER: Revision filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for the records pertaining to impugned proceedings in C.C.No.42 of 2018 pending before the learned Judicial Magistrate No.II, Sivagangai and set aside the same and allow the criminal revision case.

For Petitioner : Mr.K.K.Samy
For R-1 and R-2 : Mr.A.Robinson,
Government Advocate (Crl.Side).

ORDER

This criminal revision case is filed seeking to call for the records and set aside the impugned proceeding in C.C.No.42 of 2018 pending before the learned Judicial Magistrate No.II, Sivagangai.

2.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) appearing for the respondents 1 and 2.

3.The case under trial has emanated from the private complaint lodged by one K.Mohamed Ali, son of Kadar Mohaideen Rauthar. Though, the earlier investigation was closed as 'mistake



of fact', pursuant to the petition filed by the *de facto* complainant, the matter has been taken on file, which is now pending for trial.

4. It is contended by the learned counsel for the petitioners that they are *bona fide* purchasers from the lawful owner of the said property, whereas the third respondent is the subsequent purchaser from one Abdul Azeez, who already alienated the property through his son and a civil suit in O.S.No.42 of 2007 against A.Abdul Ajeez, A.Mohameed Mujameel, S.Ganesa Pandian and M.S.Shahul Hameed is also pending on the file of Sub Court, Devakkottai. Therefore, the learned counsel for the petitioners submits that there is no ingredient to prosecute the petitioners herein for alleged offences under Sections 408, 419, 468, 147, 294 (b) and 506(i) IPC.

5. On perusal of the records, this Court finds no force in the submission made by the revision petitioners herein, since there is a *prima facie* material available for the trial Court to prosecute them. The case has been taken on file in C.C.No.42 of 2018 by the learned Judicial Magistrate, Karaikudi, which has now been transferred to the file of learned Judicial Magistrate No.II, Sivagangai, so as to try along with the counter case filed by these petitioners against the third respondent herein, which has been numbered as C.C.No.78 of 2013.

6. In the above said circumstances, this Court is not inclined to entertain the criminal revision. However, considering the nature and long pendency of the case, the trial Court is directed to take up the trial and dispose of it expeditiously, not later than 12 months from today. It is also submitted by the learned counsel for the petitioners/ accused that the petitioners are more than 70 years old and they find it difficulty to attend the Court regularly. If there is any difficulty to attend the Court, appropriate petition may be filed on their behalf and the trial Court shall consider it and pass appropriate orders in accordance with law.

7. With the above observations, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is dismissed.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-I)



To

1. The Judicial Magistrate No.II,
Sivagangai.
2. The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
3. The Inspector of Police,
District Crime Branch, Sivagangai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.K.Samy, Advocate Sr.No.78988

CP

VB/SKN/SAR1/11.10.2018/3P/6C

ORDER MADE IN
Cr1.R.C (MD) No.354 of 2018
and
Cr1.M.P (MD) No.4894 of 2018
14.08.2018