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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 15.11.2018

CORAM :

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C. (MD) No.600 of 2018

and

Crl.M.P. (MD) No.9093 of 2018

K.Ravichandran

... Petitioner

vs.

S.Balasubramanian

... Respondent

PRAYER:- Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside the order passed in Crl.M.P.No.7072 of 2018 dated 10.08.2018 in C.C.No.270 of 2012 on the file of the Judicial Magistrate No.I, thanjavur.

For Petitioner : Mr.K.Guhan
For Respondent : No appearance

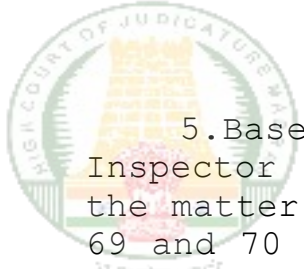
ORDER

This criminal revision case has been filed to set aside the order passed in Crl.M.P.No.7072 of 2018 dated 10.08.2018 in C.C.No.270 of 2012 on the file of the learned Judicial Magistrate No.I, thanjavur.

2.No representation for the respondent.

3.The allegation of the respondent is that the petitioner is a stamp vendor and the respondent has filed a private complaint before the learned Judicial Magistrate No.I, thanjavur. The learned Magistrate has taken cognizance in C.C.No.270 of 2012. During the pendency of the calendar case in C.C.No.270 of 2012, the petitioner had filed a petition under Section 245 of Cr.P.C., to discharge him from the private complaint given by the respondent.

4.The main contention raised by the learned counsel for the petitioner is that the allegation levelled against the petitioner is that the petitioner has issued stamp papers in different numbers. But, the accused Nos.1 and 2 had used the stamp papers in different numbers, for which there is a specific penal provision under the Stamp Act is available. Further, for the very same issue, the District Registrar, has lodged a complaint before the Thanjavur East Police Station and a case was registered in Crime No.9 of 2016 by the respondent police. In the said case, the petitioner was arrayed as accused.



5. Based on the complaint given by the District Registrar, the Inspector of Police, East Police Station, Thanjavur, investigated the matter and filed a charge sheet for the offence under Sections 69 and 70 of the Stamp Act and already there is a penal provision available and the action has been taken under the Stamp Act and for the very same offence a criminal case has been registered against the petitioner under the Indian Stamp Act and Stamp Rules.

6. The learned Judicial Magistrate, failed to consider that no one should be punished twice for the very same offence. Therefore, he prays for dismissing the revision case, which warrants interference of this Court.

7. Heard the learned counsel for the petitioner and perused the records.

8. There is a prima facie allegation against the petitioner while dealing with the petitions filed under Sections 245, 239 and 227 Cr.P.C., the Court has to see the averments made in the complaint and documents produced by the prosecution under Section 173 Cr.P.C., but not defence taken by the accused. Based on the complaint, the case has been registered against the petitioner and hence the Court has to see as to whether any prima facie allegation or averment made in the complaint. Therefore, the defence taken by the respondent need not be looked into at this stage. In this case, the private complaint reveals that there is a prima facie allegation against the petitioner. All the defence taken by the petitioner would be seen after the trial not at this stage. Therefore, the learned Magistrate considered this fact and dismissed the petition. Therefore, there is no reason to interfere with the order passed in CrI.M.P.No.7072 of 2018 dated 10.08.2018 in C.C.No.270 of 2012 on the file of the Judicial Magistrate No.I, thanjavur.

9. Under these circumstances, there is no merit in this revision case and the same is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS-II)

To

The Judicial Magistrate No.I,

<https://hcservices.ecourts.gov.in/hcservices/>
Thanjavur.



+1 cc To Mr.K.Guhan, ADVOCATE IN SR NO.95733

mm

MK/KK/RSK/SAR 2/28.12.2018/3P/3C

Cr1.R.C. (MD) No.600 of 2018
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