



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2018

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THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

Crl.R.C. (MD) No.568 of 2018

and

Crl.M.P. (MD) No.7982 of 2018

D.Selvakumar

...Petitioner/Petitioner/Accused

Vs.

1.The State rep by
The Inspector of Police,
Thiruvaiyaru Police Station,
Tanjore District.

2.D.Anandha Kumar ...Respondents/Respondents/Complainant

PRAYER:Criminal Revision Case - filed under Section 397 and 401 of Criminal Procedure Code, to call for the records relating to UF-Crmp No..... of 2018 in C.C.No.198 of 2012 dated 06.08.2018 and to set aside the same and to direct the learned Judicial Magistrate to number the petition and dispose on merits.

For Appellant : Mr.M.Vivekanandan

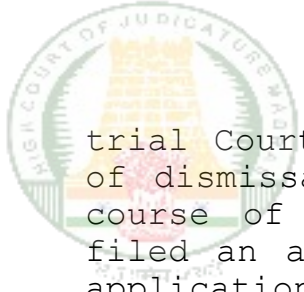
For R1 : Mr.A.Robinson

Government Advocate (Crl.Side)

ORDER

This revision petition is directed against the return of petition filed by the revision petitioner under Section 239 Cr.P.C., without taking the application on file and numbering it.

2.The revision petitioner herein is facing trial for the offence under Sections 406 and 420 IPC. Based on the complaint given by one Anandakumar, the respondent police registered the case in Crime No.164 of 2012 against the revision petitioner. After proper investigation final report has been filed on 11.09.2012. Thereafter, the petitioner herein, instead of facing trial, has filed an application to discharge him. When his quash petition filed before the High Court in Crl.O.P.(MD)NO.17198 of 2012 was taken up for final disposal, this Court, after considering the incriminating materials against the revision petitioner, has dismissed the petition to quash the charge sheet. This Court had made it clear that the defence available to the revision petitioner herein can adjudicate the issue before the



trial Court in the course of trial. Despite such specific order of dismissal and the liberty to adjudicate the point during the course of the trial, the revision petitioner herein has again filed an application. The trial Court has rightly rejected the application even without numbering it referring the order passed by this Court in Crl.O.P.(MD)No.17198 of 2012 dated 14.06.2018. Aggrieved over the same, the present Criminal Revision Case is filed.

3.The learned counsel appearing for the revision petitioner contends that the trial Court ought to have entertained the petition, numbered it and should have considered the grounds.

4.This Court is unable to countenance the said plea. The accused should have been charge sheeted as early as on 11.09.2012. The petitioner approached this Court by way of quash petition and kept the matter pending for more than six years. Thereafter, when this Court has gone into the merits of the case and found that the case is without merit, passed a speaking order in detail. In spite of such an adverse order, again this petitioner tried to tamper with the process of justice by filing application to discharge.

5.The order of the trial Court rejecting the application referring the earlier proceedings and the order passed by this Court in Crl.O.P.(MD)NO.17198 of 2012 is perfectly in accordance to law. The conduct of the petitioner herein is condemnable. Hence, this Criminal Revision Case deserves dismissal with costs. Accordingly, this Criminal Revision Case is dismissed with cost of Rs.5,000/- (Rupees Five Thousand only) payable to the legal Services Authority attached to Tanjore District Court. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (P & A)

// True Copy //

Sub Assistant Registrar(CS-IV)

To

1.The Judicial Magistrate, Thiruvayaru, Tanjore District.

2. The Inspector of Police,
Thiruvaiyaru Police Station,
Tanjore District.

3. The Secretary District Legal Services Authority, Thanjore.



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

WEB COPY +1 CC To MR.M.VIVEKANANDAN, Advocate SR. NO. 89104

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