



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL.OP (MD) No.22607 of 2013

A.Ebenezer

... Petitioner/Petitioner

Vs.

State rep. by
The Public Prosecutor,
Nagercoil.

... Respondent/Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to allow this Criminal Original Petition and set aside the Judgment in Criminal Revision Petition No.18 of 2008 dated 27.07.2011 on the file of the Court of Sessions Judge, Kanyakumari Division at Nagercoil against C.M.P.No.935 of 2008 dated 18.06.2008 on the file of Judicial Magistrate, Eraniel.

For Petitioner

: Mr.S.C.Herold Singh
for T.Jeen Joseph

For Respondent

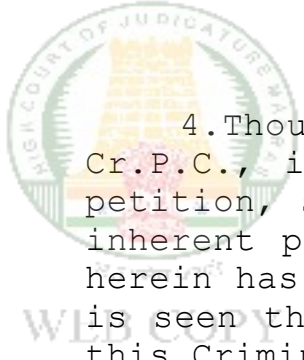
: Mr.A.Robinson
Government Advocate (Crl.side)

ORDER

The petitioner is a practising lawyer. He filed C.M.P.No.935 of 2008 before the Judicial Magistrate, Eraniel under Section 200 Cr.P.C against the respondent herein. The same was dismissed.

2.Aggrrieved by the same, he filed a revision petition before the Sessions Judge, Kanyakumari Division, Nagercoil in Criminal Revision Petition No.18 of 2008. The same was dismissed on 27.07.2011. Questioning the same, this original petition has been field.

3.The petitioner had already availed his revisional remedy before the Sessions Court. Hence, he cannot maintain a second revision petition before this Court. To overcome the same, he had filed a petition under Section 482 Cr.P.C.



4. Though the ambit and scope of the power under Section 482 Cr.P.C., is not limited by the bar against the second revision petition, still only if exceptional circumstances are present, the inherent power of this Court will be exercised. The petitioner herein has not made out any such exceptional case. That apart, it is seen that the matter is more than 10 years old. Therefore, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(T & P)

/True copy/

Sub Assistant Registrar

rmi

To

1. The Sessions Judge, Kanyakumari Division,
Nagercoil

2. The Judicial Magistrate, Eraniel

3 The Public Prosecutor,
Nagercoil.

+1 cc to MR.S.C.HEROLD SINGH, Advocate SR.No.61694

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SMA/CM-PN/SAR-3/14.05.2018:2P/5C



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