



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.04.2018

CORAM:

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

CRL.O.P.(MD)No.22754 of 2013

Pitchaimani

... Petitioner / Revision Petitioner/
Complainant

-vs-

1.S.Ramamani
2.P.Rajamani
3.Ravi

... Respondents/ Respondents/
Accused Nos 1 to 3

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to set aside the order passed in Criminal Revision Petition No.1 of 2009 on the file of the Additional District and Sessions Judge, Theni at Periyakulam dated 11.09.2013 confirming the order passed in Crl.M.P.No.9475 of 2008 on the file of Judicial Magistrate, Uthamapalayam.

For Petitioner : Mr.M.Suri

ORDER

The petitioner lodged a private complaint against the respondents herein. The learned Judicial Magistrate, Uthamapalayam did not take it on file but dismissed the same under Section 203 Cr.P.C. Aggrieved by the said dismissal order, the petitioner herein filed a revision petition before the learned Additional District and Sessions Judge, Theni at Periyakulam in Criminal Revision Petition No.1 of 2009 and the same was also dismissed. Questioning the same, this Criminal Original Petition has been filed.

2.Aggrieved by the dismissal of the private complaint, the petitioner herein had remedy to move either this Court or the Additional District and Sessions Court. Having moved the Additional District and Sessions Court and suffered an order of dismissal, there is a bar set out under Section 397 (3) Cr.P.C. When the petitioner had already approached the learned Additional District and Sessions Court and filed a revision petition, it is not open to him to approach this Court. The present Criminal Original Petition is not normally maintainable. Accordingly, the Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(W)

/True Copy/



To

- 1.The Judicial Magistrate, Uthamapalayam.
- 2.The Additional District and Sessions Judge,
Theni at Periyakulam.

+1CC to Mr.M.Suri, Advocate, SR.No. 59645

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Ls

AM/JC/SAR 3/19.04.2018/2P/4C