



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C(MD)No.714 of 2011

WEB COPY
Arumugam

... Petitioner

Vs

1.State represented by,
The Inspector of Police,
Lalgudi, Trichy District.
Crime No.48/1994.

2.Paramasivam
3.Sangilimuthu
4.Mariyayee
5.Natarajan
6.Thiayagarajan

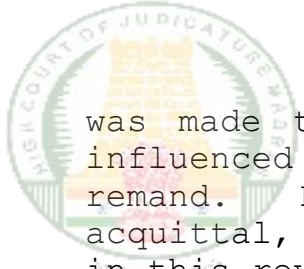
... Respondents

PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the Judgment passed in S.C.No.182 of 1995, dated 05.04.2011 on the file of the Principal Subordinate Judge, Trichirappalli.

For Petitioner	: Mr.V.Illanchezian
For R1	: Mr.A.Robinson Government Advocate (Crl.side)
For R3 to R6	: Mr.J.Senthil Kumar

ORDER

One Sakunthala-Daughter of the revision petitioner died on 14.01.1994 due to self immolation. In this regard, Crime No.48 of 1994 was registered on the file of the Inspector of Police, Lalgudi Police Station. Investigation was taken up and final report was filed against Paramasivam son-in-law of the revision petitioner and four others. The final report was filed before the Judicial Magistrate, Lalgudi. Cognizance of the offences under Sections 304 (B) and 498(A) of IPC was taken and committed to the Principal Sessions Court and made over to the Principal Assistant Sessions Judge, Tiruchirappalli in S.C.No.182 of 1995. The accused pleaded not guilty to the charges and claimed to be tried. The prosecution examined as many as 15 witnesses and also marked Ex.P1 to Ex.P16. A1-Paramasivam alone was convicted for the offence under Sections 498(A) and 304(B) IPC. The other accused were acquitted. Challenging the same, the petitioner herein filed Crl.R.C.No.140 of 1999. This Court allowed the revision case and remanded the matter for fresh consideration. Aggrieved by the same, the acquitted accused preferred SLP before the Hon'ble Supreme Court of India. The Special Leave Petition was dismissed. However, the observation



was made that the trial Court shall consider the case fresh uninfluenced observations made by the High Court in the order of remand. Even after such remand, the case once again ended in acquittal, vide Judgment dated 05.04.2011. This is under challenge in this revision case.

2. When the matter was taken up for hearing, the learned counsel appearing for the accused pointed out that aggrieved by the Judgment of conviction and sentence imposed on him, Al-Paramasivam filed Criminal Appeal No.1012 of 1998 before this Court. This Court, by order dated 27.03.2007 held that Al-Paramasivan was guilty only in respect of the offences under Section 498A of IPC and not 304B of IPC. The conviction and sentence imposed under Section 304B of IPC was set aside. Al-Paramasivan was sentenced to three years rigorous imprisonment and the same is said to have been fully undergone by him. This Court posed a specific question to the learned counsel appearing for the petitioner as to whether the Judgment dated 27.03.2007 made in Criminal Appeal No.1012 of 1998 was put to challenge before the Hon'ble Supreme Court. It appears that there was no such challenge and that it became final. In view of the Judgment dated 27.03.2007 passed by this Court in CrI.A.No.1012 of 1998, I am of the view that this revision case will not lie. Therefore, the revision case filed by the petitioner is dismissed.

3. The learned counsel appearing for the private respondents drew my attention to Section 393 of Cr.P.C., states that Judgments and orders passed by the Appellate Court upon an appeal shall be final, except in the case provided for in section 377, section 378, sub-section (4) of section 384 of Cr.P.C. In this case, the Judgement of acquittal was passed by the High Court. Therefore, in view of Section 395 of Cr.P.C., the present revision case will not lie. The criminal revision case is dismissed as not maintainable.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Inspector of Police, Lalgudi, Trichy District.

2. The Principal Subordinate Judge, Trichirappalli.

+One cc to Mr.V.Ilanchezian, Advocate, SR.No.73808

+One cc to Mr.T.SenthilKumar, Advocate, SR.No.73455

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