



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2019

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Cr1.R.C. (MD) No. 720 of 2011

and

M.P. (MD) No. 1 of 2011

WEB COPY

1.Chinnaiah
2.Narayanan
3.Veerappan
4.Nelliyan
5.Subramanian
6.Nelliyan
7.Alagappan
8.Lakshmanan
9.Ravi

... Petitioners/Accused

Vs.

Azhagar

... Respondent/Complainant

Prayer: Criminal Revision Case is filed under Section 397 r/w. 401 of Cr.P.C, to call for the records relating to the order dated 04.08.2011 in M.P.No.4162 of 2007 in C.C.No.299 of 2007, on the file of the learned Principal District Munsif cum Judicial Magistrate, Karaikudi and set aside the same.

For Petitioners

: Mr.A.L.Kannan

For Mr.VR.Shanmuganathan

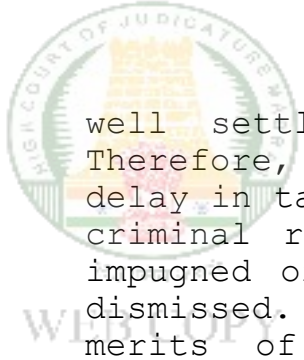
For Respondent

: Mr.J.Anandkumar

O R D E R

The petitioners herein were shown as accused 1 to 9 in the private complaint filed by the respondent in C.C.No.299 of 2007, on the file of the learned Judicial Magistrate, Karaikudi. In the said private complaint the petitioners herein filed Cr.M.P.4162 of 2007, seeking to be discharged on the ground that the entire prosecution is hit by limitation. The petition filed by the petitioners herein was dismissed on 04.08.2011. Challenging the same, this criminal revision case has been filed.

2.It is seen that according to the complainant, the occurrence took place on 07.05.1998. Crime No.44 of 1998 was registered on the file of the Pallaththur Police Station. The police filed a report and referred the case as mistake of fact. Thereafter impugned private complaint was filed on 06.08.1999. But then, the cognizance was taken only in the year 2007. According to the respondent, offence under Sections 147, 148, 323 and 324 of I.P.C. were committed. Therefore, the limitation under Section 468 of Cr.P.C. will be three years. Even though cognizance of the offence was taken much later, that is beyond the period of three years, it is a fact that the complaint was filed within the limitation period. Because there was delay on the part of the Court in taking cognizance, the complainant cannot be put to prejudice. It is a



well settled *maxim* that the act of Court should harm none. Therefore, the petitioners/accused cannot take advantage of the delay in taking cognizance by the Court. The order impugned in this criminal revision case does not call for any interference. The impugned order is sustained and the criminal revision case stands dismissed. It is made clear that this Court has not gone into the merits of the matter. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To:
The Principal District Munsif cum
Judicial Magistrate,
Karaikudi.

+1cc to Mr. V.R.SHANMUGANATHAN, Advocate, SR.No.73573V
+1cc to Mr. J.ANANDKUMAR, Advocate, SR.No.

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