



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C(MD)No.487 of 2017

Dhamodaran

... Petitioner

Vs

Shenbagarajan (Died)

1.Ramalingam

2.The State Inspector of Police,
Thideernagar Police Station,
Madurai.

(In Cr.No.1310 of 2004)

... Respondents

PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records relating to C.A.No.13 of 2015, dated 19.01.2017 and set aside the order passed by the 1st Additional Sessions Judge, Madurai in confirming the Judgment of acquittal in C.C.No.281 of 2007 on the file of the Judicial Magistrate Court No.V, Madurai dated 06.03.2015 and allow the revision.

For Petitioner : No appearance

For R1 : No appearance

For R2 : Mr.A.Robinson

Government Advocate (Crl.side)

ORDER

This revision case is directed against the Judgment dated 19.01.2017 passed by the 1st Additional Sessions Judge, Madurai, confirming the order made in C.C.No.281 of 2007 on the file of the Judicial Magistrate Court No.V, Madurai, whereby, the criminal case ended in acquittal.

2.The revision petitioner is P.W.1. There are two accused in this case. The father of A1 and the father of A2 were running a Firm as partners. The Firm had suffered loss. In order to resolve the issue, the properties were handed over to the Trustee. The partition deed was executed in the year 1983. In terms of such partition, the property in question was allotted to P.W.1/revision petitioner. Subsequently, the partition deed itself was cancelled. Thereafter, the property was alienated by A1 in favour of A2. This led to lodging of Crime No.1310 of 2004 on the file of the Thideernagar Police Station, Madurai. The trial Court found that the father of A1 became the owner of the property following the



cancellation of the partition deed. After his demise, A1 inherited the property. Therefore, it was open to A1 to have sold the property in question in favour of A2. The trial Court gave a categorical finding that no forgery has been committed and that there was no impersonation also. That apart, what was marked by the prosecution was only a photocopy which was not admissible in evidence. The findings given by the learned trial Magistrate were confirmed in appeal also. Exercising my revisional jurisdiction, I find no ground to interfere. Even though there was no appearance on behalf of the petitioner and the first respondent, the learned Government Advocate (Crl.side) took me through the evidence on record and assisted this Court.

3.This Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Judicial Magistrate Court No.V, Madurai.
- 2.The 1st Additional Sessions Judge, Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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VB (30.12.2020) 2P 4C