



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.08.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRL.R.C.No.1468 of 2019

V.Ramachandrappa
S/o,Late Venkatagiri

... Petitioner

Versus

1. Narayanappa
S/o, late Munisamy
(Died on 02.04.2008 hence
discharge from the calendar case)
2. Annaiah @ Subramani
S/o, Late M.Narayanappa
3. Munirajan
S/o, Late Narayanappa
4. Venkatesan
S/o, Late Narayanappa
5. Suresan
S/o, Late Narayanappa
6. Nanjundappa
S/o, Ramaiah
7. Krishnappa
S/o, Nanjundappa
8. Munisamy
S/o, Late Thippanna @ Thippegowda

... Respondents

PRAYER:

Criminal Revision Petition filed under Section 401 of the Code of Criminal Procedure, against the judgment in CrI.A.No.19 of 2018 passed impugned order dated 18.03.2018 on the file of the Principal Sessions Judge at Krishnagiri and in C.C.No.79 of 2003 passed impugned order dated 16.09.2017 on the file of the District Munsif cum Judicial Magistrate at Denkanikottai and



pray to set aside the order of acquittal and must be sentenced the respondents/accused for the offences committed under section 193, 379, 447 and 506(ii) of Indian Penal Code Act 1860.

WEB COPY

For Petitioner : No appearance

R1 : Died

For R2 to R8 : Mr.C.S.Dhanasekaran

ORDER

This Criminal Revision Case has been filed against the judgment dated 18.03.2018 passed in CrI.A.No.19 of 2018 on the file of the Principal Sessions Judge at Krishnagiri, confirmed the order dated 16.09.2017 passed in C.C.No.79 of 2003 on the file of the District Munsif cum Judicial Magistrate at Denkanikottai.

2.The petitioner filed the private complaint against the respondents before the learned District cum Judicial Magistrate, Thenkanikottai in C.C.No.79 of 2003. After the trial, the learned Magistrate dismissed the private complaint filed by the petitioner. Against the dismissal order, the petitioner preferred the appeal before the Principal Sessions Judge, Krishnagiri in Criminal Appeal No.19 of 2018. The learned Principal Sessions Judge after hearing the arguments and considered the materials placed before it, dismissed the appeal and confirmed the order of acquittal passed by the learned Judicial Magistrate, Thenkanikottai in C.C.No.79 of 2003. Challenging the said dismissal of appeal, the petitioner has filed the present revision case before this Court.

3.Today when the matter is taken up for hearing, no representation for the petitioner. Heard the learned counsel for the respondents.

4. A careful perusal of the record, this Court does not find any perversity in the order passed by the courts below. Further, it is a well settled proposition of law, appeal against acquittal or revision against acquittal unless there is a compelled circumstances to interfere with judgment of the Courts below, either of the appellate court or the revision court cannot interfere with the judgment of the acquittal and in this case, the petitioner filed the private complaint against the respondents before the learned Magistrate, Thenkanikottai under section 200 Cr.P.C., and the learned Magistrate taken the



complaint on file in C.C.No.79 of 2003 and before the Magistrate, on the side of the petitioner, four witnesses were examined and no document was produced. Though the learned Magistrate considering the oral evidence adduced by the petitioner, dismissed the complaint that the petitioner has not proved his case against the respondents and there is no prima facie case is made out. Since, the petitioner has not proved his case beyond reasonable doubt against the respondent, therefore dismissed the complaint filed by the petitioner. The appellate court is the fact finding court also re-appreciated the entire evidence and found that the respondents are not found guilty for the alleged offence.

5. On a reading of the entire materials and the judgments of both the Courts below, this Court does not find any compelled circumstances to interfere with the judgment of acquittal recorded by the courts below. Therefore, this Court does not find any merit in the Revision and the same is liable to be dismissed. Accordingly, the Revision Case is dismissed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

mfa

To

1. The Principal Sessions Judge,
Krishnagiri.
2. The District Munsif cum Judicial Magistrate,
Denkanikottai.

+1cc to M/s.C.S.Dhanasekaran, Advocate, S.R.No.42758

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JP-II(CO)
SU(23/09/2021)