



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 01.08.2022

CORAM:

WEB COPY

**THE HON'BLE MR JUSTICE G.ILANGO VAN**

Crl.RC(MD)No.353 of 2007

V.M.Sudhan

: Petitioner/Petitioner

Vs.

1.T.Benjamin

2.Ramesh

3.Raja

4.Beni

5.Ravi

6.The State of Tamil Nadu

through Sub Inspector of Police,  
Kanyakumari.

: Respondents/Respondents

**Prayer:** Criminal Revision is filed under Section 397 and 401 of the Criminal Procedure Code, against the order, dated 30/04/2007 made in CC No.217 of 2003 on the file of the Judicial Magistrate No.1, Nagercoil.

For Petitioner : Mr.V.Santhakumaresan  
(Legal Aid Counsel)

For R1 to R5 : M/s.Arockia Selvi  
(No appearance)

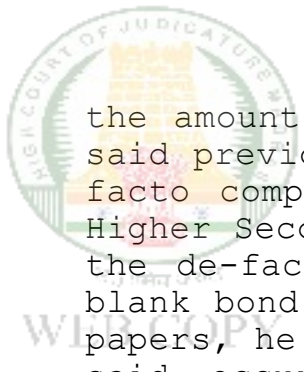
For 6<sup>th</sup> Respondent : M/s.Aasha.M  
Government Advocate  
(Criminal side)

### **O R D E R**

This criminal revision has been preferred against the judgment of acquittal passed by the trial court namely the Judicial Magistrate No.1, Nagercoil, in CC No.217 of 2003, dated 30/04/2007.

### **2.The case of the prosecution in brief:-**

There was a money transaction between the de-facto complainant and the first accused. The de-facto complainant promised to return



the amount of Rs.30,000/- before the end of 2000. Over t  
said previous enmity, on 10/10/2005 at about 6.45 pm, when the de-  
facto complainant was riding his two wheeler near Ottaiyal Vilai  
Higher Secondary School, A1 to A5 came in a four wheeler, prevented  
the de-facto complainant, kidnaped him and forced to sign in the  
blank bond papers. After obtaining the signature in the blank bond  
papers, he was sent back through an Auto. On the basis of the above  
said occurrence, a complaint has been given by the de-facto  
complainant.

3.After the investigation was over, final report was filed  
stating that all the accused persons have committed the offences  
punishable under sections 341, 342, 365, 423 and 506(ii) IPC.  
Charges were framed and the case pending before the trial court  
from 2004. No steps have been taken by the prosecution to produce  
the witnesses in-spite of issuing warrant. *Suo motu*, the  
prosecution side witness was closed by the trial court. Following  
the judgment reported in **1980-TNLJ-162**, the prosecution witness was  
closed and the accused were acquitted.

4.Challenging the above said order of acquittal, the de-facto  
complainant preferred this revision.

5.Even during the course of the revisional proceedings, the  
revision petitioner did not turn up. So on his behalf, an Advocate  
from Legal Aid panel was appointed. There was no representation for  
the accused persons also. This is an order of acquittal and the  
revision petitioner did not turn up. Even though, an Advocate has  
been appointed on behalf of the petitioner, whether he is alive or  
not is also not known.

6.So, I am of considered view that considering the factual  
circumstances of the case, the revision petition can be dismissed  
for non prosecution, without going into the merits of the case.

7.In the result, this criminal revision is **dismissed as non-  
prosecution.**

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/11/2022

Sub Assistant Registrar(CS)

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To.

1.The Judicial Magistrate No.1,  
Nagercoil.

2.The Sub Inspector of Police,  
Kanyakumari.

3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

Copy to

The Section officer,  
Criminal Section,  
Madurai Bench of Madras Highcourt, Madurai (2 Copies).

**Crl.RC(MD)No.353 of 2007**  
**01/08/2022**

AMS(03.11.2022) 3P 6C