



Crl.R.C.No.209 of 2022
and Crl.M.P.No.2145 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

Crl.R.C.No.209 of 2022
and Crl.M.P.No.2145 of 2022

1.J.Ramesh
2.P.Jayaraman
3.Soundiram

... Petitioners

Vs.

1.Executive Magistrate cum Tahsildhar,
SH 79, VIP Nagar,
Rasipuram, Tamil Nadu-637 408.

2.Inspector of Police,
Attur-Rasipuram Main Road,
Opp.Surya Hotel,
Namagiripettai,
Namakkal, Tamil Nadu - 637 406.

3.Suresh

4.Periyasamy

5.Ranjith

... Respondents



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Prayer : Criminal Revision filed under Section 397 r/w. 401 of Criminal Procedure Code to call for the records in respect of the order passed by the first respondent herein in Na.Ka.No.3457 of 2021 / A2 dated 14.07.2021 and set aside the same.

For Petitioners : Ms.R.Hemalatha
for Mr.S.Thiruvengadam
For RR1 & 2 : Mr.R.Vinothraja, GA (Crl. Side)
For RR3 & 4 : Mr.M.Ganesh
for Mr.N.Manokaran

ORDER

Challenging the proceedings in Na.Ka.No.3457 of 2021 / A2 dated 14.07.2021 passed by the Executive Magistrate cum Tahsildar, Rasipuram, the present revision is filed.

2. Since there was a land dispute between two parties, a peace committee meeting was conducted by the Tahsildar, Rasipuram Taluk. Since no amicable settlement was arrived at in the said peace committee meeting, the Tahsildar vide his proceedings dated 14.07.2021 directed



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both the parties to not interfere or encroach the disputed property aggrieved over which, the present revision is filed.

3. Mr.R.Vinothraja, learned Government Advocate (Crl. Side) contended that the proceedings of the Tahsildar is only an interim order and no final orders has been passed by him.

4. Ms.R.Hemalatha, learned counsel for the revision petitioners would contend that the Tahsildar may be directed to pass a final order in this regard.

5. Mr.M.Ganesh, learned counsel for the respondents 3 & 4 contended that the present revision is not maintainable and in order to substantiate the same he relied on the decision in ***Girish Kumar Suneja Vs Central Bureau of Investigation*** reported in ***(2017) 14 SCC 809*** and it has been held thus :

"15. While the text of sub-section (1) of Section 397 CrPC appears to confer very wide powers on the court in the exercise



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of its revision jurisdiction, this power is equally severely curtailed by sub-section (2) thereof. There is a complete prohibition on a court exercising its revision jurisdiction in respect of interlocutory orders. Therefore, what is the nature of orders in respect of which a court can exercise its revision jurisdiction?

16. There are three categories of orders that a court can pass—final, intermediate and interlocutory. There is no doubt that in respect of a final order, a court can exercise its revision jurisdiction—that is in respect of a final order of acquittal or conviction. There is equally no doubt that in respect of an interlocutory order, the court cannot exercise its revision jurisdiction. As far as an intermediate order is concerned, the court can exercise its revision jurisdiction since it is not an interlocutory order.

17. The concept of an intermediate order first found mention in Amar Nath v. State of Haryana [Amar Nath v. State of Haryana, (1977) 4 SCC 137 : 1977 SCC (Cri) 585] in which case the interpretation and impact of Section 397(2) CrPC came up for consideration. This decision is important for two reasons. Firstly, it gives the historical reason for the enactment of Section 397(2) CrPC and secondly, considering that



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historical background, it gives a justification for a restrictive meaning to Section 482 CrPC.

38. The Criminal Procedure Code is undoubtedly a complete code in itself. As has already been discussed by us, the discretionary jurisdiction under Section 397(2) CrPC is to be exercised only in respect of final orders and intermediate orders. The power under Section 482 CrPC is to be exercised only in respect of interlocutory orders to give effect to an order passed under the Criminal Procedure Code or to prevent abuse of the process of any court or otherwise to serve the ends of justice. As indicated above, this power has to be exercised only in the rarest of rare cases and not otherwise. If that is the position, and we are of the view that it is so, resort to Articles 226 and 227 of the Constitution would be permissible perhaps only in the most extraordinary case. To invoke the constitutional jurisdiction of the High Court when the Criminal Procedure Code restricts it in the interest of a fair and expeditious trial for the benefit of the accused person, we find it difficult to accept the proposition that since Articles 226 and 227 of the Constitution are available to an accused person, these provisions should be resorted to in cases that are not the rarest of rare but for trifling issues."



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6.In the instant case, according to the revision petitioner, an interim order alone has been passed and no final order has been passed. In the circumstances, this Court cannot exercise revisional jurisdiction over the said orders and therefore, the criminal revision itself is not maintainable.

7.In the result, the Criminal Revision is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

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Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
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To

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R. HEMALATHA, J.
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