



WEB COPY



CrI.A.No.432 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2023

CORAM :

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

CrI.A.No.432 of 2023

V.Palanisamy

...Appellant

Vs.

R.Velliangiri

...Respondent

PRAYER: Criminal Appeal filed under Section 372 of the Criminal Procedure Code, 1973, to set aside the Judgment dated 28.06.2019 made in C.C.No.126/2008 on the file of the Judicial Magistrate No.I, Avinashi.

For Appellant : No appearance

For Respondent : Mr.P.Tamilavel

J U D G M E N T

The present Criminal Appeal is filed against the Judgment and Orders dated 28.06.2019 made in C.C.No.126/2008 on the file of the Judicial Magistrate No.I, Avinashi.

2. The appellant filed a private complaint under Section 200 Cr.P.C., against the respondent herein for the offences punishable under Sections 147, 447, 427, 506 (ii) and 379 I.P.C., before the Judicial



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Magistrate I, Avinashi in C.C.No.126/2008. The learned Judicial

Magistrate, after recording the statement of two witnesses including the complainant, took cognizance of the offence and issued summons to the accused. He also framed charges for the offences punishable under Sections 147, 447, 427, 506 (ii) and 379 I.P.C. against the accused after furnishing copies of records to them under Section 207 Cr.P.C., and also after analysing the evidence on record.

3. The case of the appellant / complainant is that he is the owner of the land in Survey No.425/2B, Thekkalur Village, Avinashi Taluk measuring half share of 3.13 acres out of the larger extent of 6.36 acres. On 12.09.2005 morning, the respondent/accused along with his henchmen came over to the land of the appellant and started cutting the Neam Trees and other trees in the land. When the complainant confronted him, the accused threatened the former with dire consequences. Therefore, the appellant lodged a complaint with the Inspector of Police, Avinashi Police Station, on 12.09.2005. Since the Police did not take any action against the accused, he filed a private complaint before the Judicial Magistrate I, Avinashi under Section 200 Cr.P.C.,



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4. When the accused was questioned with regard to the incriminating circumstances appearing in evidence against him under Section 313 Cr.P.C., he denied of having committed any offence. The learned Judicial Magistrate after analysing the evidence on record acquitted the accused and found him not guilty for the offences punishable under Sections 147, 447, 427, 506 (ii) and 379 I.P.C., Aggrieved over the same, the present revision is filed.

5. When the matter is taken up for hearing today, there was no representation for the appellant.

6. The learned counsel for the respondent contended that subsequent to the filing of the present appeal, the appellant/complainant and the respondent/accused jointly executed a Sale Deed, dated 18.01.2023 in respect of the subject property in favour of M/s.Exel Sourcing Company vide Document No.669/2023 and in view of the same, nothing survives for further adjudication in this case. Accordingly, the Criminal Appeal is dismissed.

19.09.2023

vum
Index : yes/no
Speaking /Non speaking Order

R.HEMALATHA, J.



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vum

WEB COPY To

1. The Judicial Magistrate No.I, Avinashi.
2. The Section Officer, Criminal Section, High Court, Madras.

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