



Crl.R.C.No.774 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2023

CORAM

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.R.C.No.774 of 2022

and

Crl.M.P.No.7902 of 2022

1.N.Vivekanandan
2.M.Krishnasamy
3.R.Nandhakumar

... Petitioners

Vs.

M.Jai Shankar

... Respondent

PRAYER : Criminal Revision Case has been filed under sections 397 read with 401 of Criminal Procedure Code to set aside the order passed by the learned Principal District and Sessions Judge, Cuddalore in Crl.M.P.No.1456 of 2022 in S.C.No.223 of 2017 dated 28.04.2022 and allow the Criminal Revision Case.

For Petitioners : Mr.S.Parthasarathy

For Respondent : Mr.A.Thiyagarajan



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ORDER

The Criminal Revision Case has been filed challenging the impugned order dated 28.04.2022 passed in Crl.M.P.No.1456 of 2022 in S.C.No.223 of 2017 by the learned Principal District and Sessions Judge, Cuddalore.

2. The learned counsel for the petitioner submitted that the earlier case has been closed as “mistake of facts” and after three years, the respondent had filed a private complaint for the offence under Sections 294 B, 341, 323, 324, 427 r/w. Section 2(d) P.H.R.Act instead of Section 341 & 323 I.P.C. The said offences taken on file as barred by limitation under Section 468 Cr.P.C., and also affected the prosecution for want of sanction from the Government. Therefore, challenged the criminal proceedings in S.C.No.223 of 2017.

3. The learned counsel for the respondent submitted that the petitioners have challenged the criminal proceedings only on the ground that the complaint is barred by limitation. Earlier the petitioners have filed a



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petition to quash the proceedings in S.C.No.223 of 2017 before this Court and the same was dismissed on 19.11.2021. In these circumstances, without challenging the materials produced before the Court by the complainant, they cannot be allowed to discharge the accused from the criminal proceedings.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and I have also perused the materials on record.

5. On a perusal of the records, the fact reveals that a private complaint has been given by the *de facto* complainant before the learned Judicial Magistrate No.I, Chidambaram and the same was then committed to the learned Principal Sessions Judge, Cuddalore and has been taken cognizance in S.C.No.223 of 2017 for the offence under Sections 294 B, 341, 323, 324, 427 r/w. Section 2(d) P.H.R.Act. Petition also filed before the Trial Court under Section 468, 473 & 227 I.P.C., to discharge the



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petitioner/accused from the case. The main ground raised by the petitioner before the learned Judicial Magistrate No.I, Chidambaram is that the case is barred by limitation. In these circumstances, he submitted that the complaint is not maintainable and based on that ground, he had challenged the same.

6. On a perusal of the records, it is noticed that the alleged petition has been filed before this Court in Crl.O.P.No.12700 of 2017 for quashing the criminal proceedings initiated against the petitioner and the same was dismissed on 19.11.2021 and the Trial Court was directed to proceed with the trial and dispose the case. In this circumstance, without challenging the materials produced by the complainant and the evidence to show whether the material is available or not to proceed further, the petitioner again filed this revision petition to set aside the impugned order. It is informed further that the charge has already been framed and it is ripe for trial.

7. Therefore, I find no merit in the Criminal Revision Case. Hence this



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Criminal Revision Case stands dismissed. Consequently, the connected Criminal Miscellaneous Petition is closed.

15.02.2023

rpl

To

The Principal District and Sessions Judge, Cuddalore.



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V.SIVAGNANAM, J.,

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