



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Criminal Original Jurisdiction

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Friday, the Tenth day of November Two Thousand and Twenty Three

PRESENT

The Hon'ble Mr. Justice N. ANAND VENKATESH

CRL MP(MD)SR.NO.5552,6958 AND 6959 OF 2023
IN
CRL OP(MD). No.6978,8533,12741 of 2018

CRL MP(MD)SR.No.5552 of 2023 :-

1.M.Raveendran

S/o P.Muthiah

_vs

..Petitioner / 2nd Respondent

1.A.Rajendran

..Respondent/Petitioner

2.The Deputy Superintendant of Police,

Tiruchendur, Tutucorin District.

District Crime Branch, Tutuorcin

Cr.No.59 of 2014

O/o Thoothukudi District Superintendant of Police,

District Collector office Complex,

Korampallam, Thoothukudi.628 101

.. Respondent/1st Repondent

CRL MP(MD)SR.No.6958 of 2023 :-

1.M.Raveendran

S/o P.Muthiah

..Petitioner/2nd Respondent



1. 1.G. Y.V Victor

..Respondent/Petitioner

2. The Deputy Superintendant of Police,

Tiruchendur, Tutucorin District.

District Crime Branch, Tuticorin

O/o Thoothukudi District Superintendant of Police,

District Collector office Campus,

Korampallam, Thoothukudi.628 101

(Cr.No.59 of 2014)

.. Respondent/1st Repondent

CRL MP(MD)SR.No.6959 of 2023 :-

1.RBJ Blue star Entrerprises

rep.through its Proprietor

Mrs Esther Jayarani

Authorised Signatory M.Raveendran

..Petitioner/1st Respondent

Vs

1.Rohit Kanthilal Ravani

S/o Kanthilal Ravani

Whole time Director

M/s.Nishigantha Polymers Pvt Ltd,

..Respondent/Petitioners

2.The Deputy Superintendant of Police,

Tiruchendur, Tutucorin District.

District Crime Brnach, Tuturocrin

O/o Thoothukudi District Superintendant of Police,

Korampallam, Thoothukudi.628 101

Cr.No.59 of 2014

.. Respondent/1st Repondent

Prayer in CRL MP(MD)SR.NO.5552 of 2023:-

This Criminal Miscellaneous Petition is filed Under Sec 482 of Cr.P.C.,to recall the order passed in CRL OP(MD) 6978 of 2018 order dated 08.10.2018 and consequently to change/transfer the investigation to any of the specialized investigation agency of the case in Cr.No.59 of 2014 on the file of the respondent



police and entrust the same to an officer not below the rank of the Deputy Superintendant Police by conducting appropriate proper and fair and through the investigation.

Prayer in CRL MP(MD)SR.NO.6958 of 2023:-

This Criminal Miscellaneous Petition is filed Under Sec 482 of Cr.P.C., to recall the order passed in CRL OP(MD)8533 of 2018 order dated 08.10.2018 and consequently to change/transfer the investigation to any of the specialized investigation agency of the case in Cr.No.59 of 2014 on the file of the respondent police and entrust the same to an officer not below the rank of the Deputy Superintendant Police by conducting appropriate proper and fair and through the investigation.

Prayer in CRL MP(MD)SR.NO.6959 of 2023:-

This Criminal Miscellaneous Petition is filed Under Sec 482 of Cr.P.C., to recall the order passed in CRL OP(MD)12741 of 2018 order dated 08.10.2018 and consequently to change/transfer the investigation to any of the specialized investigation agency of the case in Cr.No.59 of 2014 on the file of the respondent police and entrust the same to an officer not below the rank of the Deputy Superintendant Police by conducting appropriate proper and fair and through the investigation.

Prayer in CRL OP(MD). 6978/ 2018 :

To call for the records pertaining to the order passed by the Learned Judicial Magistrate III, Tuticorin in CrI.M.P.No.2049/2017 in Crime NO.59/2014 dated 16/12/2017 allowing the protest petition of the 2nd respondent and the consequential order dated 13/03/2018 taking cognizance and issuing summons to the petitioner and quash the same.

Prayer in CRL OP(MD). 8533/ 2018 :

To call for the records pertaining to the order passed by the Learned Judicial Magistrate III, Tuticorin , in CrI.M.P.No. 2049 of 2017 in Cr.No.59 of 2014 dated 16/12/2017, allowing the protest petition of the 2nd respondent and the consequential order dated 13/03/2018 taking cognizance and issuing summons to the Petitioner, quash the same.

Prayer in CRL OP(MD). 12741/ 2018 :

To call for the records relating to the C.C.No. 38/2018 pending on the file of the Judicial Magistrate court No. III, Thoothukudi, Thoothukudi district and quash the same



ORDER:- This Criminal Miscellaneous Petitions coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.S.Balaji, Advocate for the Petitioner and of Mr.R.Sivakumar, Govt Advocate Crl Side For R2, and Ms.Janaki Devi, Advocate for Respondent NO.1 in CRLMP(MD)SR 5552 of 2023 , this Court made the following order:

These petitions were posted under the caption “for maintainability” today based on the objections raised by the Registry to number the recall petitions.

2.It was brought to the notice of this Court that as against the common order, that was passed by this Court in Crl.O.P.(MD)Nos.6978, 8533 and 12741 of 2018 dated 08.10.2018, Special Leave Petitions were filed by the petitioners in the recall petition in S.L.P.Nos.658 to 660 of 2019 and all these Special Leave Petitions were dismissed by order dated 28.01.2019. Thereafter, Review Applications were filed in Rev.A.Nos.264 to 266 of 2019 before the Apex Court and the same were also dismissed by an order dated 10.07.2019. In view of the same, the order passed by this Court in Crl.O.P.(MD)Nos.6978, 8533 and 12741 of 2018 has become final.

3.It was also brought to the notice of this Court that the petitioners in the recall petition had also filed a pauper suit before the District Court, Tuticorin and the



request made by the petitioners for filing the suit as pauper was rejected. The same was confirmed in the appeal and the review application filed was also dismissed.

4. In view of the above, these petitions to recall the common order passed by this Court is not maintainable and the objections raised by the Registry is sustained.

Sd/-

Assistant Registrar(CS II)

// True Copy //

/12/2023

Sub Assistant Registrar(CS)

TO

1. The Judicial Magistrate No.III
Tutucorin,
2. The Deputy Superintendent Of Police
Tiruchendur Tuticorin District

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

ORDER DATED : 10/11/2023

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ORDER

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CRL MP(MD)SR.NO.5552,6958 AND 6959 OF 2023

IN

CRL OP(MD). No.6978,8533,12741 of 2018

Giving direction and etc.
as stated within.

MGJ(20.12.2023) 5P 4C