



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated:15.09.2023

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC.(MD).No.869 of 2022
and
Crl.M.P.(MD).No.10851 of 2022

1.Mangalanatha Durai

2.Asmathullah

3.Jegan Prasath

4.Noordeen

5.Satham Hussain

6.Singam

... Petitioners/Accused 1 to 6

Vs.

State through the
Inspector of Police,
Bazaar Police Station,
Ramanathapuram.

... Respondent/Respondent/Complainant

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of the Criminal Procedure Code, to admit this Revision on file, to call for the records pertaining to the impugned order in Crl.M.P.No.586 of 2021 in S.C.No.5 of 2020 dated 11.07.2022 on the file of the Principal District and Sessions Judge, Ramanathapuram and set aside the same by allowing this Criminal Revision Petition.



For Petitioners : Mr.V.Raghavachari

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

ORDER

This Criminal Revision Case has been filed as against the impugned order in Crl.M.P.No.586 of 2021 in S.C.No.5 of 2020 dated 11.07.2022, on the file of the learned Principal District and Sessions Judge, Ramanathapuram.

2. The revision petitioners are the accused Nos.1 to 6 in S.C.No.5 of 2020 dated 11.07.2022, on the file of the learned Principal District and Sessions Judge, Ramanathapuram and they said to have committed the offences under Sections 147, 447, 448, 506(1) IPC r/w 3 of TNPPDL Act. Pending the said case, the petitioners have filed a discharge petition under Section 227 Cr.P.C., stating that Section 3(1) of the TNPPDL Act is not applicable to the alleged damages caused to the private land. The same was dismissed by the impugned order dated 11.07.2022.

3. Challenging the same, the petitioners filed this criminal revision case. The learned Single Judge of this Court has raised the



following question and placed the same before the Hon'ble Division Bench of this Court:

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“Whether or not, the offence causing loss or damage to the private properties during private dispute between two groups or individuals can be investigated and tried as per the provisions of Tamil Nadu property (Prevention of Damages and Loss) Act, 1992 as amended by Act 46 of 1994.”

4. The Hon'ble Division Bench of this Court answered as follows:

28. Thus the question No.1 referred to us is answered to the effect that even loss or damage to private properties caused during private disputes between two groups or individuals can be investigated and tried under the provisions of the Tamil Nadu Property (Prevention of Damage and Loss) Act 1992 as amended by Act 46 of 1994

5. Thereafter, this case was posted before this Court to decide the matter on merits.

6. The learned counsel for the petitioners seeks time to prepare SLP before the Hon'ble Supreme Court as against the above judgment.



Therefore, this case was adjourned. Now, the Hon'ble Supreme Court dismissed the SLP.

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7. In view of that, this Court does not find any ground to discharge the petitioners in S.C.No.5 of 2020 and hence, this Court confirms the impugned order passed by the learned trial Judge in Cr.M.P.No.586 of 2021.

8. It is open to the petitioner to raise all the defence before the learned trial Judge and the learned trial Judge is hereby directed to consider the same at the time of trial.

9. Accordingly, this Criminal Revision Case stands dismissed. Consequently, connected criminal miscellaneous petition stands closed.

15.09.2023

NCC :Yes/No
Index :Yes/No
Internet :Yes/No
sbm



To

1. The learned Principal District and Sessions Judge,
Ramanathapuram.
2. The Inspector of Police,
Bazaar Police Station,
Ramanathapuram.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
4. The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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