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Crl.R.C(MD)No.504 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2023

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.504 of 2018

V.Palanivelrajan

....Petitioner

Vs.

1. G.Ravi

2. K.Rajagopalan

... Respondents

PRAYER: Criminal Revision Case filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for the records of the impugned order dated 16.07.2018 passed by the learned Additional District Munsif cum Judicial Magistrate, Manamadurai in Crl.M.P. No.5558 of 2017 and set aside the same.

For Petitioner

: Mr. D.Anbarasu

For R-1

: Mr.D.Anbarasu

For R-2

: Mr.M.Ramesh

ORDER

This revision has been filed to set aside the impugned order dated 16.07.2018 passed by the learned Additional District Munsif cum Judicial Magistrate, Manamadurai in Crl.M.P. No.5558 of 2017.



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2. The petitioner lodged complaint on the allegation that the first respondent was a contractor from the year 2001-2006 at Thirupuvanam Town Panchayat. He was also Counsellor for the same period. He obtained solvency certificate and registered a Contractor . Further he also obtained loan from the said solvency certificate for the very same property by pledging the same. Therefore his registration of contract was also cancelled. That apart the said solvency certificate also expired and using the said solvency certificate he also obtained contract. However the said complaint was not considered for direction under section 156(3) of Cr.P.C., on the ground that the petitioner failed to produce any document to substantiate the allegations made in the complaint.

3. The learned counsel for the petitioner would submit that now the petitioner was in possession of all the original documents to the allegations. Therefore he may be permitted to lodge fresh complaint once again with all original documents.

4. The learned counsel for the first respondent would submit that the complaint is a belated one and it is barred by limitation. It was lodged for the alleged occurrence that occurred from the year 2001 -2006, whereas complaint was lodged only in the year 2017



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5. Considering the above facts and circumstances of the case, the petitioner is at liberty to lodge a fresh complaint along with all original documents connected to the allegations levelled against the first respondent before the concerned jurisdictional court. The learned Judicial Magistrate is directed to deal with the compliant in accordance with law including the ground of limitation without being influenced by the order passed by this Court.

6. This Criminal Revision Petition is disposed of accordingly.

12.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
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To

The Additional District Munsif cum Judicial Magistrate, Manamadurai



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G.K.ILANTHIRAIYAN, J.

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Order made in
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