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Crl.R.C. No. 817 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2024

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.R.C. No.817 of 2023

&

Crl.M.P. No. 6266 of 2023

Thirunavukkarasu

..Petitioner

Vs.

1. The District Revenue Officer,
and Addl. District Executive
Magistrate,
Thiruvarur District.
2. The Sub-Divisional Executive Officer
and Revenue Divisional Officer,
Mannarkudi.
3. Palanidurai

..Respondents

Prayer: Criminal Revision filed under Section 397(1) r/w 401 Cr.P.C. to call for the entire records in connection with Ni.Mu.13247/2022/Aa 1 on the file of the 1st respondent namely, the District Revenue Officer and Addl. District Executive Magistrate, Thiruvarur District and set aside the said order passed by the District Revenue Officer and Addl. District Executive



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Magistrate, Thiruvarur District dated 08.02.2023.

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For Petitioner :: Mr.V. Paarthiban

For Respondents :: Mr.V.J. Priyadarsana,
Govt. Advocate (Crl.Side)
for R1 & R2

O R D E R

The revision challenges the order passed by the 1st respondent dated 08.02.2023 setting aside the order dated 29.07.2022 passed by the 2nd respondent under Section 145 Cr.P.C.

2. The 2nd respondent had passed an order under Section 145 Cr.P.C. issuing certain directions to maintain peace. Aggrieved by the said order, the 3rd respondent had filed a revision before the 1st respondent.

3. Learned counsel for the petitioner would submit that under the Code of Criminal Procedure, no revision would lie against the order passed by the 2nd respondent to the 1st respondent and therefore, the order passed by the 1st respondent in the revision setting aside the order passed by the 2nd respondent is unsustainable.

4. This Court finds force in the said submission.

5. The order passed by the 2nd respondent is under the provisions



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of Code of Criminal Procedure. Unless the Code provides for an appeal/revision to the 1st respondent, no appeal/revision would lie. Therefore, the impugned order passed by the 1st respondent is set aside. However, if the 3rd respondent is aggrieved by any action taken by the 2nd respondent, it is open to him to approach the appropriate forum in the manner known to law for redressal of his grievance.

6. With the above observation, the revision stands allowed.
Connected miscellaneous petition is closed.

15.11.2024

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To

1. The District Revenue Officer,
and Addl. District Executive
Magistrate,
Thiruvarur District.
2. The Sub-Divisional Executive Officer
and Revenue Divisional Officer,
Mannarkudi.
3. The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN,J.

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