



Crl.RC.No.1250 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.08.2024

CORAM:

THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

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1. Johnson
2. Bhuvaneshwari ...Petitioners

Vs.

1. The State represented by
Inspector of Police,
V4, Rajamangalam Police Station,
Chennai – 600 040.

2. Chellaru Pandian ...Respondents

PRAYER: Criminal Revision Petition filed under Section 397 & 401 of the Criminal Procedure Code, to set aside the order passed by the learned Principal Sessions Judge, Chennai in Crl.M.P.No.5727 of 2024 in Crl.R.C.No.4754 of 2024 dated 20.06.2024 by allowing this criminal revision.

For Petitioners : Mr.K.P.Chandrasekaran

For Respondents : Mr.A.Gopinath, GA for R1
Mr.G.Mohana Krishnan for R2



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ORDER

This writ petition has been filed seeking to set aside the order passed by the learned Principal Sessions Judge, Chennai in Crl.M.P.No.5727 of 2024 in Crl.R.C.No.4754 of 2024 dated 20.06.2024.

2. The case of the prosecution is that as against the order passed by the learned XIII Metropolitan Magistrate, Egmore Chennai in Crl.M.P.No.16471 of 2022 in C.C.No.167 of 2022 dated 16.02.2023 in allowing the petition filed by the second respondent, the petitioners have preferred a criminal revision in Crl.R.C.No.989 of 2023 before this Court and the same was dismissed vide order dated 10.08.2023. Aggrieved over the same, the petitioners filed a special leave petition before the Hon'ble Supreme Court in Diary No.52636 of 2023 and the same was dismissed vide order dated 08.01.2024 holding that the petition has become infructuous as further investigation has already been carried out. Suppressing the above said facts, the petitioners have again filed a petition in Crl.M.P.No.5727 of 2024 in Crl.R.C.No.4754 of 2024 seeking to condone the delay in filing the revision petition against the order passed in Crl.M.P.No.16471 of 2022 in C.C.No.167 of 2022, dated 16.02.2023 before the learned Principal Sessions



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Judge, Chennai, however, the same was dismissed vide order dated 20.06.2024 on the ground that no proper reason has been stated by the petitioners for the delay of 271 days. Challenging the same, the present revision has been filed.

3. The learned counsel for the petitioners submits that though the petitioners have given valid reasons to condone the said delay of 271 days in filing the revision as against the order passed in Crl.M.P.No.16471 of 2022 in C.C.No.167 of 2022 dated 16.02.2023, the lower appellate Court has dismissed the petition filed by the petitioner vide order dated 20.06.2024 as if the reasons stated by the petitioners for the delay of 271 days were not acceptable which is per se unsustainable. Hence, he prayed for passing appropriate orders.

4. The learned Government Advocate appearing for the first respondent submits that as against the order passed in Crl.M.P.No.16471 of 2022 in C.C.No.167 of 2022 dated 16.02.2023, the petitioners have filed a revision before the trial Court and the same was dismissed vide order dated



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10.08.2023, against which a special leave petition was filed before the

Hon'ble Apex Court and the same was dismissed stating that the petition has

become infructuous as further investigation has already been carried out.

Suppressing the above said orders passed by this Court as well as the

Hon'ble Apex Court, the petitioner have once again approached this Court to

condone the delay of 271 days in filing the revision against the very same

order passed in Crl.M.P.No.16471 of 2022 in C.C.No.167 of 2022 dated

16.02.2023 on the file of Sessions Court, Chennai, however, the learned

Judge has rightly appreciated the aforesaid facts and dismissed the said

petition on the ground that the petitioners have not stated any valid reasons

for the delay of 271 days. Hence, the finding rendered by the learned Judge,

need not be interfered with and the present revision petition is liable to be

dismissed.

5. Heard the learned counsel appearing on either side and perused the materials placed on record.



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6. Admittedly, the second respondent filed a petition

Crl.M.P.No.16471 of 2022 in C.C.No.167 of 2022 dated 16.02.2023 seeking further investigation in Cr.No.635 of 2021 on the file of V4, Rajamangalam Police Station and the same was allowed by the learned XIII Metropolitan Magistrate, Egmore Chennai in Crl.M.P.No.16471 of 2022 in C.C.No.167 of 2022 dated 16.02.2023. Challenging the same the petitioners filed a revision in Crl.R.C.No.989 of 2023 before this Court and the same was dismissed vide order dated 10.08.2023. Aggrieved over the same, the petitioners have filed a special leave petition before the Hon'ble Supreme Court in Diary No.52636 of 2023 and the same was dismissed vide order dated 08.01.2024 holding that the petition has become infructuous as further investigation has already been carried out. Suppressing the orders passed by the Hon'ble Apex Court as well as this Court, the petitioners have again filed a petition in Crl.M.P.No.5727 of 2024 in Crl.R.C.SR.No.4754 of 2024 to condone the delay of 271 days in filing the revision against the very same order dated 16.02.2023 passed in Crl.M.P.No.16471 of 2022 in C.C.No.167 of 2022 on the file of learned XIII Metropolitan Magistrate, Egmore Chennai, which was also dismissed by the lower appellate Court.



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When the order dated 16.02.2023 has already been challenged by the petitioners before this Court which subsequently has been dismissed by this Court, seeking to condone the delay of 271 days in filing revision against the very same order is wholly unsustainable. Upon perusing all the oral and documentary evidence, the learned Judge has given a concurrent finding vide order dated 20.06.2024, which is perfectly in order and the same does not warrant any interference.

7. With the above observation, the Criminal Revision petition is dismissed.

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Index	: Yes/No
Speaking order	: Yes/No
NCC	: Yes/No



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To
WEB COPY

1. The Inspector of Police,
V4, Rajamangalam Police Station,
Chennai – 600 040.
2. The Principal Sessions Judge, Chennai



WEB COPY



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M.DHANDAPANI, J.

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