



Crl.O.P(MD)No.5686 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 06.03.2024

CORAM :

THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

Crl.O.P(MD)No.5686 of 2020

Barani Kumar

... Petitioner

Vs.

Kalai Selvan
Assistant Director,
Thanjavur Employment Exchange,
Thanjavur City.

...Respondent

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records of Cr.M.P.No.3374/2018 dated 31.07.2018 passed by the Judicial magistrate Court No.II, Kumbakonam and the order passed in Crl.R.P.No.56 of 2018 dated 04.07.2019 passed by the Additional District Sessions Court(Fast Track Court) Kumbakonam, Thanjavur District and set aside both by allowing this criminal original petition.

For Petitioner : Mr.R.Murugappan
For Respondent : No appearance



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ORDER

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The instant Criminal Original Petition has been filed to set aside the order passed in Crl.M.P.No.3374/2018, dated 31.07.2018 passed by the learned Judicial Magistrate No.II, Kumbakonam and the order passed in Crl.R.P.No.56 of 2018 dated 04.07.2019 passed by the Additional District Sessions Judge(Fast Track Court) Kumbakonam, Thanjavur District.

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3.It is the contention of the petitioner that, he was an Ex-serviceman and registered his name under the Ex-serviceman Priority Category in the respondent employment office. It is the further contention of the petitioner that his name was not sponsored in any interview, instead others were sponsored and entry was made in his register as if his name was sponsored. It appears that he preferred a police complaint. Since the police have not taken any action on the complaint, he filed a private complaint in Crl.M.P.No.3374 of 2018 for an offence under Sections 166, 167, 197, 198, 202, 465, 471, 480 and 409 IPC.



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The learned counsel further submitted that the said application was dismissed by the learned Magistrate, vide order dated 31.07.2018. Against which, the petitioner preferred a revision in Crl.R.P.No.56 of 2018 was also filed and the same was also dismissed. It is the contention of the learned counsel for the petitioner that the dismissal orders passed by both the Courts are contrary to law. Hence, he prays to exercise the jurisdiction under Section 482 Cr.P.C.

4.From the perusal of the order, the learned Magistrate, after gone into various aspects, has found that there are no prima facie material made out in the complaint and has also found that no necessary sanction under Section 197 IPC was obtained for prosecution against the public servant and has ultimately dismissed the complaint. Such order has been confirmed by the Additional Sessions Judge.

5.It is pertinent to mention here that remedy under Section 482 of Cr.P.C., is exceptional remedy, which cannot be used as a second revisional remedy. Furthermore, on perusal of the orders passed by both the Courts below, this Court could not find any perversity or illegality. Therefore, no merits in the



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instant Criminal Original Petition.

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6.In the result, this Criminal Original Petition is dismissed.

06.03.2024

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

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To

1.The Judicial magistrate Court No.II,
Kumbakonam.

2.The Additional District Sessions Court
(Fast Track Court)
Kumbakonam,
Thanjavur District.

3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.KUMARAPPAN,J.
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