



CRL RC(MD) No. 486 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Criminal Original Jurisdiction

Friday, the Fifteenth day of November Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE K.K. RAMAKRISHNAN

CRL RC(MD) Nos.435 & 486 of 2023

CRL RC(MD) Nos.435 of 2023:-

1. Anbalagan

2.Kasthuri

3.Madhan

... Petitioner/B Party

Vs

1 The Revenue Divisional Officer
Cum Sub Divisional Magistrate Thanjavur
Thanjavur District.

2 The Inspector of Police
Tamil Palkalaikalaga Police Station,
Vallam Taluk Thanjavur District.

3 Nagajothi

4.Rajarajan

5 Pari

... Respondent/ A Party

in CRL RC(MD). 435/ 2023 :

Criminal Revision Petition has been filed under section 397 R/W 401(1) of Cr.P.C.,to call for the records in Pa.Mu.2126/2022/A3 dt.3/3/2022 and 31/3/2023 on the file of the Revenue Divisional Officer cum Sub Divisional Magistrate, Thanjavur, Thanjavur District and to set aside the same.

<https://www.mhc.tn.gov.in/judis>



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CRL RC(MD) No. 486 of 2023:-

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1. Nagajothi

2. Rajarajan

3. Pari

... Petitioner/ A Party

- Vs. -

1. The Revenue Divisional Officer
Cum Sub Divisional Magistrate,
Thanjavur, Thanjavur District.

2. The Inspector of Police,
Tamil University Police Station,
Vallam Taluk, Thanjavur District.

3. Anbalagan

4. Kasthuri

5. Madan

6. The Inspector of Police,
District Crime Branch,
Anti Land Grabbing Cell,
Thanjavur Town and District.

... Respondents

Prayer in CRL RC(MD). 486/ 2023 :

Criminal Revision Petition has been filed under section 397 R/W 401(1) of Cr.P.C. to call for the records pertaining to order passed by the 1st respondent herein by order dated 03.03.2023 and on 31.03.2023 in Pa.mu.2126/2022/A3 dated 03.03.2023 on the file of the Revenue Divisional Officer Cum Sub Divisional Magistrate, Thanjavur.



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ORDER:-
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These Revision Petitions coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.S.C.Herold Singh in Crl.R.C(MD) No.435 of 2023 and Mr.M.Karunanithi, Advocate in Crl.R.C(MD) No.486 of 2023 for the Petitioners and of Mr.R.Sivakumar, Government Advocate(Crl.Side)for 1,2,respondents in Crl.R.C (MD) No.435 of 2023 and R6 in Crl.R.C(MD) No.486 of 2023, Mr.Karunanithi, Advocate for R3 to 5 respondents in Crl.R.C(MD) No.435 of 2023, for the respondents and for Mr.S.C.Herold Singh, Advocate, 3 to 5 Respondents in Crl.R.C (MD) No.486 of 2023 and this Court made the following order:

"Earlier on 09.01.2024, this Court passed a detailed order and issued the following directions:-

(1) The order passed by the first respondent/RDO is in accordance with law.

(2) The learned District Munsif, Thanjavur and the learned Principal District Munsif, Thanjavur, are directed to conclude the trial in O.S.No.279 of 2021 and O.S.No.37 of 2023 respectively, within a period of three months from the date of receipt of a copy of this order.



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(3) The learned trial Judges are further directed not to be influenced on the basis of the impugned order passed by the first respondent/RDO as well as the discussions made by this Court in these revisions. It is further made clear that the learned trial Judge is to independently assess the evidence adduced before the trial Court and decide the matter on merits on the basis of the adduced evidence before the Court.

(4) The Village administrative Officer is directed to re-transfer the amount already deposited in the revenue deposit to the credit of the suits in O.S.No.279 of 2021 and O.S.No.37 of 2023 and further the learned trial judge is directed to re-deposit the said amount in any one of the Nationalised Bank in an interest-bearing account.

(5) The succeeding party in the suit in O.S.No.279 of 2021 and O.S.No.37 of 2023, on the file of the Principal District Munsif Court, Thanjavur, is entitled to reimburse the said amount with accumulated interest.

List this case, for compliance on 15.06.2024



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2.The case was listed on 20.06.2024, under the caption for compliance. Again, the case was listed on 03.07.2024 and this Court directed the Government Advocate (Crl. Side) to furnish the details of the enquiry conducted against the erring officials. Thereafter, the case was listed on 05.07.2024 under the caption for reporting compliance and this Court passed the following order:-

The learned Government Advocate (Crl. Side) on instructions, submits that the departmental proceedings initiated against the erring officials and an enquiry is completed and the punishment was imposed in respect of one Officer. They submitted the enquiry report, passed in the punishment order before the Director General of Police.

2.Hence, this Court directs the learned Government Advocate (Crl. Side) to file a counter affidavit relating to all the events and also the development of passing the commission on another officer.

3.Subsequently, the case was listed on 22.07.2024.

4.Today, the learned counsel appearing on either side submitted that the suit in O.S.No.279 of 2021 filed by B party (Anbalagan) was dismissed on 06.07.2024, with cost payable to the A party (Nagajothi).



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5. In view of the said development, this Court issued the following directions:-

5.1. The learned Principal District Munsif, Thanjavur, is hereby directed to permit the A party (Nagajothi) to withdraw the amount deposited in the nationalized bank.

5.2. A party (Nagajothi) is at liberty to make a representation before the Inspector General of Police, Central Zone, Trichy, to seek police protection on the basis of the suit in O.S.No.279 of 2021, dated 06.07.2024.

5.3. The Inspector General of Police, Central Zone, Trichy, is hereby directed to consider A party's (Nagajothi) representation and give suitable direction to the subordinate officer to give police protection to A party (Nagajothi).

Sd/-

Assistant Registrar (CO)

// True Copy //

/12/2024

Sub Assistant Registrar
(CS-I/II/III/IV)

vsg

TO

1 The Revenue Divisional Officer
Cum Sub Divisional Magistrate Thanjavur
Thanjavur District.



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2 The Inspector of Police
Tamil Palkalaikalaga Police Station,
Vallam Taluk Thanjavur District.

3.The Inspector of Police,
District Crime Branch,
Anti Land Grabbing Cell,
Thanjavur Town and District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai

Copy To

1.The Principal District Munsif,
Thanjavur.

2.The Inspector Generl of Police,
Central Zone,
Trichy.

ORDER DATED: 15/11/2024

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ORDER

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CRL RC(MD) Nos.435 & 486 of 2023

Giving direction and etc.
as stated within.

SL(03.12.2024)/ 7P/ 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.