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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:01.03.2024

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRL.A(MD) No.51 of 2010

Prathaban

... Appellant/Complainant

-VS-

1.Jeevamani

2.Sasikala

... Respondents/
Accused Nos.1 and 2

PRAYER : Criminal Appeal is filed under Section 378 of the Code of Criminal Procedure praying this Court to set aside the judgement passed in C.C.No.87 of 2007, dated 05.01.2010, on the file of the learned Judicial Magistrate No.IV, Thiruchirapalli.

For Appellant : Mr.N.Mohideen Basha

JUDGMENT

Heard the learned counsel for the appellant.



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2. The appeal against the acquittal preferred by the complainant being aggrieved by the acquittal of the respondent in C.C.No.87 of 2007 on the file of the learned Judicial Magistrate No.IV, Thiruchirapalli, who was tried for offence under Section 420 IPC.

3. It is a private complaint and the same has been taken on file by the learned Judicial Magistrate on the allegation that the complainant/appellant, a land broker dealing in properties, had a transaction with the accused in respect of two houses at 5th Cross Road and 10th Cross Road at Thillai Nagar, Trichy and the possession of the premises was handed over to the complainant after receiving Rs.2,00,000/-. However, later under the guise of renovating the premises, the possession of the premises was taken back by the accused persons, but not handed over to the complainant after renovation.

4. To substantiate the allegation to attract the offence under Section 420 IPC, three witnesses were examined and 12 documents were relied upon and on the side of the accused, two witnesses were examined and one exhibit was marked.



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5. The Court below after appreciating the evidence found that the ingredients of Section 420 IPC were not attracted. Specifically, the trial Court has taken note of the receipt given by the complainant, which was marked as Ex.D1 and has held that there is no deception at the inception while entrusting the money to attract Section 420 IPC. Though several grounds were raised in the appeal, they are not satisfactory to convince this Court to reverse the finding of the trial Court since the trial Court has hit the nail on the head by observing that the ingredients of Section 420 IPC were not attracted and Ex.D1 falsifies the allegation of the complainant. Hence, this Criminal Appeal is dismissed.

01.03.2024

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
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To:

1.The Judicial Magistrate No.IV,
Thiruchirapalli.



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



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DR.G.JAYACHANDRAN,J.

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JUDGMENT MADE IN

CRL.A(MD) No.51 of 2010

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