



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Crl.Revision Case No.93 of 2014

and

M.P.No.1 of 2014

R.Joshua

.. Petitioner

vs

V.Rajan

.. Respondent

Revision Petition filed under Sections 397 read with Sec. 401 of Cr.P.C. against the order dated 03.01.2014 passed by the learned Judicial Magistrate No.I, Vellore, Vellore District in Crl.M.P.No.6243 of 2013 in C.C.No.24 of 2010.

For Petitioner : No appearance

For Respondent : No appearance

ORDER

For the past two hearings, there was no representation for the petitioner. Hence, the matter was listed today under the caption ''for dismissal''. Even today, there is no representation for the petitioner. However, an Advocate who came to represent on behalf of the petitioner, sought only adjournment. Hence, as per the judgment of the Hon'ble Apex Court reported in (2013) 3 SCC 721 [K.S.Panduranga vs. State of Karnataka], if the petitioner do not appear, there is no necessity for the Court, which is hearing the matter, to issue warrant for special notice or appoint any Amicus Curiae to argue the matter on behalf of the petitioner. The Court is empowered to deal with the matter on merits and dispose of the same. Accordingly, this matter is taken up for disposal on merits.

2. According to the petitioner, the respondent/complainant had filed a case as against the petitioner herein under Section 500 IPC r/w 200 of the Criminal Procedure Code. The respondent side witnesses have been examined and the case was posted for defence side witness. At this juncture, the petitioner herein filed the above petition seeking to bring the Official witnesses to mark the documents through them and the Court below dismissed the said petition. Hence, the present revision.

3. A perusal of the order passed by the Court below, it is seen that in the petition filed by the petitioner seeking to mark the documents, which were marked as Document Nos.1 to 9, the respondent counsel had endorsed, "No counter." Thereafter, the Court below after hearing both sides, dismissed the said petition by assigning



specific reason that the accused has already produced the certified copies of the documents, which are required to be marked through official witness and he himself can mark the same. Further, it is not necessary that for marking each and every document, the official witness has to be present in Court. However, the petitioner without availing the said opportunity has approached this Court by way of this revision.

4. In view of the same, since the petitioner has been permitted by the Court below to mark the documents through himself and the documents required to be marked are all certified copies of the public documents, I do not find any reason to interfere with the reasoned order passed by the Courts below.

6. In the result, this Criminal Revision Case is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

vj2
To

1. The Judicial Magistrate No.I, Vellore, Vellore District
2. The Public Prosecutor, Madras.

1 cc to Mr.P.K.Srilokesh , Advocate Sr.No.28290

Cr1.R.C.No.93 of 2014

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pmk.26.6.2015