

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-08-2015

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 947 of 2014

Gajaraj

...Petitioner

Versus

1.P.Rajalakshmi
Editor, Senior Reporter.

2.M.A.Surendran
Editor and Publisher
Senior Reporter
No.365, Bharathidasan Street
N.G.G.O.Nagar
Chinglepet-631 001.

...Respondents

Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. against the order dated 05.08.2014 made in S.T.C.No.309 of 2011 on the file of the Judicial Magistrate No.I, Vellore.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : No Appearance - R.1
R.2-Died

ORDER

This Criminal Revision Case is filed by the petitioner/complainant aggrieved against the order dated 05.08.2014 passed in S.T.C.No.309 of 2011 by the Judicial Magistrate No.I, Vellore, dismissing the complaint for non-prosecution.

2. Mr.R.Sankarasubbu, learned counsel appearing for the petitioner would submit that the petitioner/complainant is not at all given an opportunity of hearing. He would further add that the second respondent died.

3. Today, when the matter is taken up, there is no appearance for the first respondent.

4. On a careful reading of the entire materials available on record as well as the order passed by the Trial Court, it is seen that the Trial Court has given ample and sufficient opportunity to the petitioner/complainant to putforth his case. The Trial Court on the last many occasions i.e., on 25.03.2014, 25.04.2014, 30.05.2014,

13.06.2014 and 24.06.2014, had directed the petitioner/complainant to appear in person and to produce all relevant documentary evidence and oral evidence, but, admittedly, on a perusal of the docket entry in the Trial Court, it is crystal clear that the petitioner/complainant has not chosen to appear before the Trial Court on various occasions i.e., 25.03.2014, 25.04.2014, 30.05.2014 and 24.06.2014 and he has not produced any documentary or oral evidence. The Trial Court has given further time to the petitioner/complainant on 17.07.2014 and 01.08.2014. On 17.07.2014, even though, the petitioner/complainant has appeared in person, he has not chosen to produce any documentary or oral evidence to substantiate his case. Therefore, the Trial Court has dismissed the complaint filed by the complainant. While dismissing the complaint, it is not as if, the Trial Court has passed a non-speaking order or it has summarily dismissed the complaint on the ground of absence of the complainant, but, the Trial Court has passed a detailed order and it has assigned reasons for dismissing the complaint. The reasons given by the Trial Court for dismissing the complaint is correct and I do not find any fault with the reasoning given by the Trial Court for dismissing the complaint and hence, I am of the considered opinion that it needs no interference at the hands of this Court, especially, when sufficient opportunity was given by the Trial Court and inspite of the same, the petitioner/complainant has not chosen to produce any documentary or oral evidence and also taking into consideration of the fact, the second respondent died. The order passed by the Trial Court dated 05.08.2014 stands confirmed and this Criminal Revision Case is dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

paa

To

The Judicial Magistrate No.I,
Vellore.

CRL.R.C.No. 947 of 2014

GP(co)
cp 07/09/2015