

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2015

Coram

THE HONOURABLE Mr. JUSTICE B. RAJENDRAN

Criminal Revision Case No.194 of 2015

Perumal

.. Petitioner/Complainant

Versus

Perumal

Ex.Secretary

S.315, Semmanoor Venkatsa Perumal

Primary Agricultural Co-operative

Credit Society Ltd.,

Aranganur Post,

Mettur Taluk,

Salem District.

.. Respondent/Accused

Criminal Revision Petition filed under Section 397 and 401 of Cr.P.C. to call for the records in C.M.P.No.7940 of 2013 dated 03.01.2014 on the file of Judicial Magistrate-II, Mettur and set aside the same and consequently direct the magistrate to take the private complaint on file and proceed in accordance with law.

For Petitioner : No Appearance

For Respondent : No Appearance

ORDER

The petitioner has come up with the present petition against the dismissal order made in C.M.P.No.7940 of 2013 on the file of the learned Judicial Magistrate No.II, Mettur and seeking a direction to the Magistrate to take the private complaint on file.

2.Inspite of several adjournments, neither the petitioner's counsel nor petitioner were present today even though the case is posted under the caption 'For Dismissal'. Hence, the matter is taken up for final disposal to pass orders on merits as per the decision rendered in K.S.Panduranga vs. State of Karnataka reported in 2013(3) SCC 721

3.The complainant has presented a complaint under Section 200 r/w 156(iii) of Cr.P.C.. It is the case of the complainant that his father namely, Chinnusamy had pledged three sovereigns of gold with the respondent's co-operative society on 30.04.2011 under gold loan No.4120. Subsequently, the said Chinnusamy died on 12.04.2012. It is also the case of the complainant that without serving any notice

to him or any of the legal heirs of Chinnusamy, the said co-operative society had sold the said jewellery in public auction. Hence, he has filed an application under RTI Act on 10.04.2013 seeking details about the aforesaid gold loan.

4. Though the respondent herein has furnished the required details as early as on 10.05.2013, the complainant filed another application on 25.07.2013 for the very same purpose. The respondent denied the information sought for by the complainant again. Then the petitioner approached the consumer Court by filing C.O.P.No.99 of 2013 and sought for an compensation of Rs.2,00,000/- which has been kept pending. Hence, the complainant has chosen to give a private complaint. Since the same is also denied, he has come up with the present petition.

5. On a careful perusal of the order of the Court below, it is seen that at the first instance the particulars sought for by the petitioner has been duly furnished by the society. Secondly, the petitioner approached and sought for some information under the provisions of the RTI Act. That was also given to him. If the revision petitioner is not satisfied with the information furnished to him, as rightly pointed out by the Court below, he should have chosen to file an appeal and contested the matter. Without doing so, he has chosen to file another private complaint and has come up with the present revision petition which is not maintainable. Hence, this Criminal Revision Petition fails and the same is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate II Metter.

2. -do- Through The Chief Judicial Magistrate, Salem.

CrI.R.C.No. 194 of 2015

TEJ(CO)
Eu 06.07.15