

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No.1210 of 2010

S.Mariyadoss

.. Petitioner/Defacto Complainant

Versus

1. Alexander

..Ist Respondent/Accused

2. The State rep.by

The Sub Inspector of Police, Andimadam,
Police Station

Ariyalur District.

.. 2nd Respondent/Complainant

Criminal Revision case filed under Sections 397 and 401 of Cr.P.C. against the Judgment dated 08.09.2010 passed by the learned Judicial Magistrate, Ariyalur in C.C.No.64 of 2010.

For Petitioner : No appearance

For Respondents : Mr.T.Muruganathan for R1

Mr.V.Arul

Government Advocate (Crl.side)

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. 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. This is a revision filed by the complainant as against the acquittal order passed by the Court below in C.C.No.64 of 2010 dated 08.09.2010 acquitting the accused under Section 326 IPC.

3. Learned counsel, who appeared for the petitioner earlier, submitted that he has returned the bundle long back to the petitioner and had revoked his vakalat. Hence, this Court once again directed the Registry to send notice to the petitioner to appear in the matter as this is a revision filed against the acquittal order passed by the

Court below. Even then, when the matter is posted today, there is no representation on behalf of the petitioner/complainant.

4. According to the petitioner, the first respondent/accused had attacked the petitioner and caused grievous injuries. Hence, he made a complaint before the respondent police for the offences under Sections 324 and 326 of IPC. However, the court below without considering the oral and documentary evidence adduced on the side of the petitioner acquitted the accused, warranting interference in this revision.

5. Learned counsel for the first respondent/accused would submit that the Court below after considering the fact that there are certain discrepancies in the evidence adduced on the side of the petitioner/complainant regarding the place of occurrence and after analysing the entire facts, had acquitted the accused, warranting no interference in this revision.

6. Learned Government Advocate (Criminal side) appearing on behalf of the State.

7. Heard all parties and perused the records.

8. On a perusal of the order passed by the Court below, it is seen that there are discrepancies regarding the place of occurrence, viz., in the First information report it is stated as New Street, Bus Stand; as per the AR copy it is stated as Varadharajan pettai and whereas in the evidence PW1 has stated that the occurrence took place near a lake. Hence, the Court below had stated that PW1/complainant is not a lay man to state three difference places in respect of the occurrence and accordingly doubted the very occurrence and acquitted the accused. It is further stated that there are several contradictions in the evidence adduced by PWs.2 to 4 regarding the occurrence. Accordingly, the Court below, after considering all these facts, had correctly acquitted the accused, warranting no interference in this revision.

9. Accordingly, this Criminal Revision case is dismissed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

vj2

To

1. The Judicial Magistrate, Ariyalur.

2.-do thro The Chief Judicial Magistrate, Ariyalur.

3. The Public Prosecutor, High Court, Madras.

1 cc to Mr.T.Murugananthan , Advocate Sr.No.34989/15