

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-08-2015

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 268 of 2009
and
M.P.No. 1 of 2009

Sasi

... Petitioner

Versus

1.Sengottaian
2.Sooriyamurthy
3.Jothi Ramalingam
4.Thalapathi Senthil
5.Sanmugam
6.Pragalathan
7.Rasu @ Sanmugaraj
8.Ponnusamy
9.Yuvaraj
10.Manoharan

... Respondents

Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C. against the order passed by the learned District Munsif-cum-Judicial Magistrate, Kodumudi, in P.R.C.No.3 of 2007, dated 31.03.2008.

For Petitioner : Mr.G.Anantharangan

ORDER

This Criminal Revision Case is filed by the complainant aggrieved against the order dated 31.03.2008 passed in P.R.C.No.3 of 2007 on the file of the learned District Munsif-cum-Judicial Magistrate, Kodumudi, dismissing the private complaint on the ground that there was no allegation in the complaint against respondents 1 to 9 and that if summons were to be issued to respondents 1 to 3 in P.R.C.No.3 of 2007, unnecessary delay would be caused in disposing of the case in C.C.No.193 of 2005, pending before the Lower Court.

2. Today, when the matter is taken up, Mr.G.Anantharangan, learned counsel appearing for the petitioner would submit that on the basis of the complaint given by the petitioner, a case was registered against respondents 1 to 10, but, the charge sheet was laid only against respondents 4 to 9 and the case was taken on file in

C.C.No.193 of 2005 on the file of the Trial Court. Hence, aggrieved against the act of the respondent in omitting the respondents 1 to 3 and 10 from filing charge sheet, he filed a private complaint before the Lower Court in P.R.C.No.3 of 2007. While so, this Court in Crl.O.P.No.33225 of 2007, by order dated 03.12.2007, has passed an order that since both the cases viz., P.R.C.No.3 of 2007 and C.C.No.193 of 2005, are pending before the same Court and they arise out of the same transaction, both were directed to be tried simultaneously. The grievance of the petitioner is that the Trial Court disapproved the evidence of witnesses and rejected the case of the petitioner/complainant and dismissed the private complaint in P.R.C.No.3 of 2007 and hence, the Criminal Revision Case is filed.

3. On a careful perusal of the impugned order, it is seen that the Trial Court, in its order, has categorically pointed out that in respect of the very same offence almost all of them were arrayed as accused in the other case in C.C.No.193 of 2005 and no case has been made out by the complainant for a separate private complaint in P.R.C.No.3 of 2007 and therefore, the Lower Court has rightly rejected the case of the complainant and dismissed the private complaint in P.R.C.No.3 of 2007. The reasoning given by the Trial Court for dismissing the private complaint is correct and it needs no interference at the hands of this Court. I do not find any reason to interfere with the reasoned order passed by the Trial Court, dated 31.03.2008 and the order passed by the Trial Court stands confirmed. This Criminal Revision Case is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

paa

To

1.The District Munsif
-cum- Judicial Magistrate,
Kodumudi.

2.-Do- Through The Chief Judicial Magistrate,
Erode.

Crl.R.C. No.268 of 2009

GJ(CO)
CA(29/09/2015)