

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.12.2015

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.R.C.No.695 of 2010

and

M.P.No.1 of 2010

Ravi @ Villanga Ravi
S/o.Lakshmana Pillai

..Petitioner

Vs.

State represented by its
Sub Inspector of Police,
Bhavani, Erode District.
Crime No.211 of 2007

..Respondent

Criminal Revision filed under sections 397 and 401 of Criminal Procedure Code against the order of learned Judicial Magistrate, Bhavani, passed in C.M.P.No.4611 of 2010 in C.C.No.37 of 2008 dated 03.06.2010.

For Petitioner : Mr.S.Ashok Kumar

For Respondent : Mr.D.Sivaramkumar
Government Advocate [Crl.side]

O R D E R

This revision is preferred against the order of learned Judicial Magistrate, Bhavani, passed in C.M.P.No.4611 of 2010 in C.C.No.37 of 2008 dated 03.06.2010.

2. On the complaint of PW-1, a case in Crime No.211 of 2007 on the file of respondent was registered. Pursuant to investigation, a charge sheet has been filed informing commission of offences u/s.294(b), 324, 506(i) and 506(ii) IPC and the case was taken on file in C.C.No.37 of 2008 on the file of learned Judicial Magistrate, Bhavani. Charge sheet has been laid against three persons, the offence alleged against this petitioner/A3 being u/s.506(ii) IPC. Petitioner sought discharge by way of C.M.P.No.4611 of 2010 and upon consideration, the Court below found that the charge against this petitioner as also A2 would have to be altered to one u/s.506(i) IPC. There against, this revision has been filed.

3. Heard learned counsel for petitioner and learned Government Advocate [Crl.side].

4. The de facto complainant has informed of having suffered abuse and injury to his head and right knee as a result of a big stone having been thrown upon him by his son on 27.04.2006 at about 11.00 a.m. In his complaint, the de facto complainant has alleged that his wife and this petitioner, a third party, were instigators and they had further threatened to do away with him. In his statement u/s.161(3) Cr.P.C., the de facto complainant had informed of threats to his life being meted out by his wife/A2 as also this petitioner/A3 whilst he was being taken to hospital by his relatives. Section 506 IPC informs the punishment for offence of criminal intimidation defined in Section 503 IPC as follows:

"503.Criminal Intimidation.- Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation."

On the facts of the instant case the charge would be of causing alarm. Even if the allegations against the petitioner/A3 and A2/wife of the de facto complainant be true, the de facto complainant, admittedly in the immediate care of his relatives who were escorting him to hospital, could not have suffered, in the secure circumstance in which he was placed, such alarm as would amount to criminal intimidation.

This Criminal Revision is allowed. The order of learned Judicial Magistrate, Bhavani, passed in C.M.P.No.4611 of 2010 in C.C.No.37 of 2008, is set aside. Though A2 is not before this Court, the benefit of this order would flow also to A2. The proceedings in C.C.No.37 of 2008 on the file of learned Judicial Magistrate, Bhavani, shall stand quashed insofar as the petitioner/A3 and A2 are concerned. Consequently, connected miscellaneous petition is closed.

gm

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Judicial Magistrate,
Bhavani, Erode District.
 2. -do- thro' The Chief Judicial Magistrate, Erode.
 3. The Sub Inspector of Police,
Bhavani, Erode District.
Crime No.211 of 2007.
 4. The Public Prosecutor, High Court, Madras.
- + 1 cc to Mr.S.Ashok Kumar, Advocate Sr 68492

KR/24/2/16

Cr1.R.C.No.695 of 2010



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