

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.12.2015

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Cr1.R.C.No.989 of 2013

M.Vasanthi

W/o.Madhakumar

.. Petitioner/Complainant

vs.

Thirupathi

Village Administrative Office (VAO).

Thiriyalam Village & Post,

Thirupattur Taluk,

Vellore District.

.. Respondent/Accused

Criminal Revision filed under section 397 and 401 Cr.P.C. praying to call for entire records relating to C.M.P.No.1898 of 2013 on the file of learned Judicial Magistrate I, Thirupattur, Vellore District and set aside the order dated 17.06.2013 passed in C.M.P.No.1898 of 2013 by learned Judicial Magistrate I, Thirupattur, Vellore District and consequently direct the learned Judicial Magistrate I, Thirupattur, Vellore District, to take cognizance and in accordance with law.

For Petitioner : Mr.Prakash Adiapadam

O R D E R

This revision challenges the order of learned Judicial Magistrate I, Thirupattur, Vellore District, passed in C.M.P.No.1898 of 2013 on 17.06.2013.

2. It is the petitioner's case that she submitted an application to the respondent seeking transfer of patta in favour of her husband and the respondent demanded bribe in a sum of Rs.5,000/-. As the petitioner has failed to meet the demands of the respondent, he visited the house of the petitioner, abused her and threatened with dire consequences. Informing that the petitioner's husband has issued a legal notice on 31.01.2013, that an application seeking transfer of patta in keeping with the Will has been submitted before Sub-Registrar and that no action has been taken on complaints preferred before police, the petitioner filed C.M.P.No.1898 of 2013 on the file of learned Judicial

Magistrate I, Thirupattur, Vellore District, to take her complaint on file. The Court below, under orders dated 17.06.2013, dismissed such petition. There against, this revision has been filed.

3. Heard learned counsel for petitioner.

4. The contention of the petitioner is that the Court below wrongly has informed that the petitioner has failed to produce the earlier application seeking transfer of patta and that a subsequent application for patta made by the petitioner has been produced. Exs.P5 and P6 filed along with the complaint reveal that such application actually stands made.

5. In dismissing the complaint u/s.203 Cr.P.C., the Court below has reasoned that if indeed the Village Administrative Officer has misconducted himself, the petitioner, in preferring a further application for patta, would have informed such misconduct and the absence of copy of the earlier application makes unavailable such consideration. This apart, the Court below has reasoned that though the complainant has informed of having given an application seeking transfer of patta in favour of her husband to the Sub-Registrar on 24.09.2012, the legal notice has been issued only on 31.01.2013 i.e., after a period of four months. There was no explanation as to why the complainant has not preferred any complaint during the intervening period and as to why the complainant has given the application seeking transfer of patta to the Village Administrative Officer instead of Thasildar, who is the competent authority to deal with the same. This Court finds no error in the order under challenge.

This Criminal Revision stands dismissed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

gm

To

1.The Judicial Magistrate I,
Thirupattur,
Vellore District.

2.Thirupathi
Village Administrative Office (VAO).
Thiriyalam Village & Post,
Thirupattur Taluk,
Vellore District.

1 cc to Mr. Prakasj Adiapadam, Advocate, Sr. 65457

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