



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

CRL.RC.(MD)No.250 of 2013

M.Paulchamy

: Petitioner

Vs.

1.N.Nandikumar

2.A.Raja

3.The Inspector of Police,

Vasudevanallur Police Station,

Vasudevanallur, Tirunelveli District,

Crime No.179 of 2011.

: Respondents

PRAYER: Petition is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside the Judgment passed by the learned Judicial Magistrate Court at Sivagiri, in Crime No.179 of 2011, dated 30.08.2012 and convict the respondents 1 and 2.

For Petitioner : Mr.P.Santhanakrishnan

For Respondent Nos.1&2 : Mr.Suresh

For M/s.Aiyar & Dolia

For Respondent No.3 : Mr.P.Kannithevan

Government Advocate [Criminal Side]

O R D E R

The petitioner herein is the de facto complainant in Crime No.179 of 2011, on the file of the third respondent herein. The respondents 1 and 2 herein are the accused in the said case. The above case was registered for the offence punishable under Section 3(1)(X) of the Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The third respondent investigated the case and laid a final report on 06.09.2011, reporting that there is no truth in the allegation made by the petitioner and it is a false case. Before accepting the said negative final report, the learned Judicial Magistrate, Sivagiri, issued a notice to the petitioner. Accordingly, the petitioner appeared and filed a Protest Petition, requesting the Court not to accept the said negative final report and instead, sought for further investigation, in accordance with law. The learned Judicial Magistrate, Sivagiri, by order dated 30.08.2012, rejected the said Protest Petition and accepted the final report. Challenging the said order, the petitioner has come up with the present Criminal Revision Case.

2. I have heard the learned counsel appearing for the petitioner, the learned counsel appearing for the respondents 1 and 2, the learned Government Advocate [Criminal Side] for the third respondent and perused the records carefully.

3. The case of the petitioner, as revealed in the First Information Report, is that the petitioner had availed loan from the Indian Bank at Vasudevanallur, in the year 2005 and entered into a hypothecation agreement to purchase a Tractor and a Trailer. Upto the year 2006, in terms of the said agreement, the petitioner had paid 13 installments and the balance amount was not paid. The petitioner was under the impression that as per the moratorium issued by the Central Government, the entire loan stood wiped off. However, to his shock and surprise, he received a notice from the bank alleging that some more amount was due towards the



loan amount. According to the petitioner, the said demand was illegal, since the loan amount stood wiped off by the order of the Central Government. Thereafter, the bank authorities seized the Tractor and Trailer and brought the same for sale. The petitioner, at that time, filed a Writ Petition before this Court and on 01.04.2011, this Court passed an interim order permitting the petitioner to pay a sum of Rs.8,29,779/-, after deducting 25% of the amount, within a period of four weeks. But, the said conditional order was not complied with by the petitioner and thereafter, the Tractor was sold and handed over to the bidder.

4. It is alleged by the petitioner that when he questioned, the respondents 1 and 2, who are the Manager and Zonal Officer respectively of the Indian Bank have used abusive language calling the petitioner by his community. Therefore, the petitioner filed the said complaint, upon which the First Information Report was registered.

5. The Investigating Officer has made a thorough investigation and has submitted a report stating that the complaint is false. In the report, he has given vivid reasons as to why he came to the conclusion that the allegations are false. The Investigating Officer has examined several witnesses and has come to the conclusion that because the respondents 1 and 2 have taken action to sell the Tractor, this false complaint has been made. The Trial Court has considered the entire report and the materials placed before it and has come to the conclusion that the investigation was done thoroughly and there is no infirmity in the final report submitted by the Investigating Officer. Before this Court, the learned counsel for the petitioner is not able to show any materials even to infer that the investigation was not done properly and the conclusion arrived at by the Investigating Officer is not correct. Thus, I hold that the Trial Court was right in rejecting the complaint.

6. In the result, the Criminal Revision Case fails and the same is accordingly dismissed.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

1.THE JUDICIAL MAGISTRATE COURT AT SIVAGIRI.

2.THE INSPECTOR OF POLICE,
VASUDEVANALLUR POLICE STATION,
VASUDEVANALLUR, TIRUNELVELI DISTRICT.

3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1cc to M/s.P.SanthanaKrishnan, Advocate in SR.No.17304
+1cc to M/s.Aiyar & Dolia, Advocate in SR.No. 18049

Sm:22.04.2015:2P/6C

NB