

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2016

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.11 of 2016

and

Crl.M.P.No.48 of 2016

Ponmalar

W/o.Chittrarasu ... Petitioner/ Petitioner

vs.

1.Mathaiyan
S/o.Kuppusamy

2.Somikannu
S/o.Kurusamy

3.Devaraj @ R.M.Thangaraj,
S/o.Pudu @ Mookka Gounder

4.Jayaraman
S/o.Vellaiya Gounder

... Respondents/Respondents

Criminal Revision filed under Sections 397 and 401
Cr.P.C. against the order of learned Principal Sessions Judge,
Dharmapuri, passed in Tr.C.M.P.No.1366 of 2015 on 24.11.2015.

For Petitioner : Mr.V.Vijayakumar

ORDER

This revision arises against the order of learned Principal Sessions Judge, Dharmapuri, passed in Tr.C.M.P.No.1366 of 2015 on 24.11.2015.

2. Heard learned counsel for petitioner. This Court is of the view that no notice to respondents is necessary since interfering with the order of costs payable to the Legal Services Authority, Pappireddippatti, passed by the Court below would not in any manner affect their interest and as such

Section 401(2) Cr.P.C. would not be attracted.

3. In permitting the transfer application, the Court below has observed as follows:

"4. Heard both sides. Perused records. The petitioner contended that on 2.7.2015 a petition u/s.91 Cr.P.C. for production of document is filed and the Judicial Officer refused to receive that petition and also state the word "Rk;kh fr frd;D ngrhjP';f" to the petitioner's counsel. On the other hand, the same has been denied by the respondents. On perusal of the document filed by the petitioner as well as respondents "on 2.7.2015 in C.C.No.128/2013 the endorsement made by the Judicial Officer is that the complainant absent and petition filed u/s.256(1) Cr.P.C. and A1 and A3 present, A4 absent, petition u/s.317 Cr.P.C., filed, P.W.1 not present, P.W.1 directed to appear on 14.7.2015. The report also received by this court from the Judicial Magistrate regarding this. In that report also the said officer endorse that on 2.7.2015 the complainant and the petitioner absent and the same endorsement has been made. Its clearly shows that the petitioner not appeared before that court on that day. So the allegation made in the petition is not sustainable. However, this court feels that if the petitioner continue the case in the same court again the petitioner not to cooperate to court. Hence this court transfer the case to Harur Judicial Magistrate with direction to disposed the case within 3 months from the date of the receipt of the order and answer accordingly."

4. In the aforesaid circumstances, this Court finds no error in the order imposing costs. Even so, the same would have to be limited to that permitted u/s.408 Cr.P.C. Accordingly, the order imposing costs shall be modified to a sum of Rs.250/- (Rupees Two Hundred and Fifty only) payable to the Legal Services Authority, Pappireddippatti. The said sum shall be paid within a period of two weeks from the date of receipt of this order.

This Criminal Revision is disposed of with the above direction. Consequently, connected miscellaneous petition is closed.

gm

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

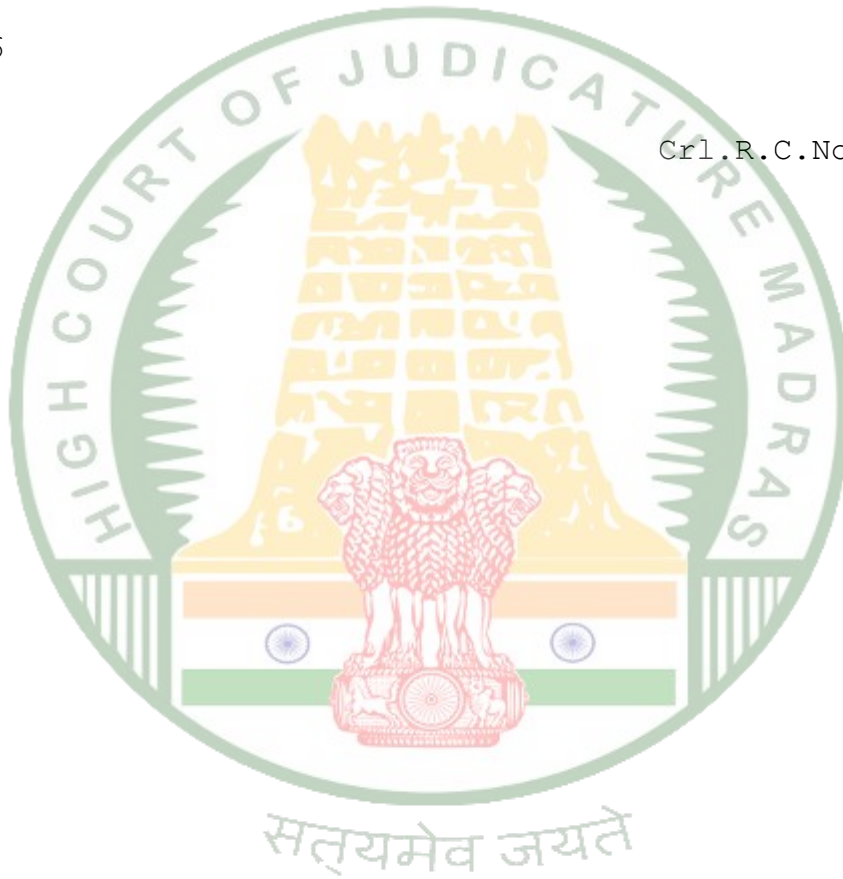
To

The Principal Sessions Judge,
Dharmapuri.

+ 1 cc to Mr.V.Vijayakumar, Advocate Sr 867

PPA/CO
KR/12/1/16

Cr1.R.C.No.11 of 2016



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