

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2016

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM
Crl.R.C.No.1184 of 2016
and
Crl.M.P.No.10560 of 2016

Rashmi Varma
W/o.Pradeep Kumar

.. Petitioner/Defacto
complainant

vs.

1.State represented by
The Inspector of Police,
District Crime Branch,
Vellore.

2.B.Bijender Kumar
S/o.Late Bahorilal

.. Respondents

Criminal Revision Case filed under Section 397 and 401 Cr.P.C. against the order of learned Judicial Magistrate II, Vellore, passed in C.M.P.No.1284 of 2016 in C.C.No.34 of 2016 on 19.07.2016.

For Petitioner : Mr.C.R.Malarvannan for
Mr.V.Manohar

For Respondents: Mr.K.Madhan
Government Advocate [Crl.side] [R1]

सत्यमेव जयते

O R D E R

This revision arises against the order of learned Judicial Magistrate II, Vellore, passed in C.M.P.No.1284 of 2016 in C.C.No.34 of 2016 on 19.07.2016.

2. Second respondent faces trial for offences u/s.294(a) IPC, 4 of Tamil Nadu Prevention of Women Harassment Act, 67 and 67(a) of Information Technology Act, in C.C.No.34 of 2015 on the file of learned Judicial Magistrate II, Vellore. State has moved C.M.P.No.1284 of 2016 in C.C.No.34 of 2016 seeking permission to forward MO-1 to forensic lab and to recall the expert u/s.311 Cr.P.C. and 45, 45(A) of Indian Evidence Act. Such petition came

to be dismissed under the impugned order. Hence, this revision.

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

4. In dismissing the petition, Court below has reasoned that State has not stated as to why MO-1 has to be sent for Forensic Lab and how it would be relevant for the present case and the only reason stated was that it would be useful to prove the guilt of the accused. When the content in MO-1 is not disputed and the only dispute is with regard to who has sent messages, the question of whether the messages are obscene or vulgar, could be decided only in accordance with law and not upon the opinion of expert. This Court finds no reason to interfere.

The Criminal Revision Case shall stand dismissed. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

gm

To

1.The Judicial Magistrate II,
Vellore.

2.-do- Thro The Chief Judicial Magistrate
Vellore

3.The Inspector of Police,
District Crime Branch,
Vellore.

4.The Public Prosecutor,
High Court, Madras.

5.The Record Keeper
Crl.Section Records
High Court, Madras

+1 cc to Mr.V.Manohar Advocate sr 60615

Crl.R.C.No.1184 of 2016

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