

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2016

CORAM:

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

Crl.R.C.No.324 of 2016
and
Crl.M.P.No.2154 of 2016

1.B.Joice
W/o.Jashwa Sundar Raj

2.T.Jashwa Sundar Raj
S/o.Thomas Pandian

.. Petitioners

vs.

1.State represented by
The Inspector of Police,
All Women Police Station,
Thudiyalur,
Coimbatore.
Crime No.19 of 2009

2.J.Cerelia Elma
D/o.D.Johnson

.. Respondents

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the order of learned Judicial Magistrate, Additional Mahila Court, Coimbatore, passed in Crl.M.P.No.1447 of 2014 in C.C.No.158 of 2013 on 06.11.2015.

For Petitioners : Mr.C.Arul Vadivel Sekar
For Respondents : Mr.K.Madhan
Government Advocate (Crl.side) [R1]
Mr.Saravanan [R2]

ORDER

Petitioner challenges the order of learned Judicial Magistrate, Additional Mahila Court, Coimbatore, passed in Crl.M.P.No.1447 of 2014 in C.C.No.158 of 2013 on 06.11.2015.

2. On the complaint of second respondent, a case in Crime No.19 of 2009 on the file of first respondent for offences u/s.498-A, 406, 506(i) IPC and 4 of Dowry Prohibition Act. Upon completion of investigation and filing of charge sheet, the case was taken on file in C.C.No.158 of 2013 on the file of learned Judicial Magistrate, Additional Mahila Court, Coimbatore. Petitioners, who are accused 5 and 6 in the case, have filed Crl.M.P.No.1447 of 2014 in C.C.No.158 of 2013 seeking discharge which had been dismissed under order dated 06.11.2015. Aggrieved, the present revision has been filed.

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

4. In dismissing the petition, the Court below has informed that in the

complaint, the second respondent has stated that the first accused demanded dowry of Rs.15,00,000/- and when the same was intimated to other accused over phone, they also threatened her to get money from her parents otherwise she would be thrown out from the matrimonial home. Court below has further informed that a *prima facie* case stands made out against petitioners. This Court finds no error in the reasoning of the Court below.

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

6. Taking note of the submissions of learned counsel for petitioners that petitioners are relatives of accused 1 to 4, who stand falsely implicated and particularly that they are aged 60 and 62 years respectively, this Court directs the Court below to dispense with their personal appearance before it, upon their swearing to an affidavit informing their address for service, that they duly would be represented by their counsel on all hearing dates, that they would, at no instance, dispute their identity and that, they would appear before the Court below as and when required. Upon the petitioners doing so, the Court below may seek their presence before it, solely on the important hearing dates.

C.T. SELVAM, J

gm

Considering the submissions of learned counsel for second respondent that the complaint has been preferred in the year 2009, this Court directs learned Judicial Magistrate, Additional Mahila Court, Coimbatore, to dispose of C.C.No.158 of 2013 as expeditiously as possible.

17.10.2016

Index:yes/no
Internet:yes/no
gm

To

- 1.The Judicial Magistrate,
Additional Mahila Court,
Coimbatore.
- 2.The Inspector of Police,
All Women Police Station,
Thudiyalur, Coimbatore.
- 3.The Public Prosecutor,
High Court, Chennai.

Crl.R.C.No.324 of 2016

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