

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.01.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

CrI.R.C.No.76 of 2016
and
CrI.M.P.No.517 of 2016

S.Siva
S/o.K.Sellamy

.. Petitioner

Vs.

The Inspector of Police,
W-32 All Women Police Station,
Madipakkam,
Chennai.

.. Respondent

Criminal Revision filed under sections 397 and 401 of Criminal Procedure Code against the order of learned Judicial Magistrate, Alandur, Chennai, passed in C.M.P.No.6783 of 2015 in C.C.No.803 of 2007 on 22.12.2015.

For Petitioner : Mr.S.Siva
Party-in-Person

For Respondent : Mrs.M.F.Shabana
Government Advocate [CrI.side]

O R D E R

This revision challenges the order of learned Judicial Magistrate, Alandur, Chennai, passed in C.M.P.No.6783 of 2015 in C.C.No.803 of 2007 on 22.12.2015.

2. Petitioner, faces prosecution for offences u/s.498-A, 406, 506(i) IPC and 4 & 6 of Dowry Prohibition Act in C.C.No.803 of 2007 on the file of learned Judicial Magistrate, Alandur, Chennai. The prosecution case is that the petitioner/accused, husband of the de facto complainant, made dowry demands, beat her and cruelly treated her. Petitioner filed C.M.P.No.6783 of 2015 seeking discharge, which came to be dismissed under orders dated 22.12.2015. Hence, this revision.

3. Heard the petitioner, Party-in-Person and learned Government Advocate [Cr1.side].

4. In dismissing the petition seeking discharge, the Court below has found that the petitioner has filed two petitions seeking similar relief, that the petitioner initially has mentioned the date of marriage as 13.11.2005 and subsequently, the same has been altered as 26.04.2006 upon an amendment petition moved by petitioner. There was no explanation as to why the petitioner has mentioned an incorrect date. It could not be stated that the mistake has occurred owing to oversight or clerical error. The correct date of marriage could be ascertained only after examination of witnesses. The Court below further found that the petitioner has been filing petition after petition over a period of seven years only to protract proceedings. The reasoning afforded by the Court below is well-founded.

In the result, the Criminal Revision stands dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

gm

To

1.The Judicial Magistrate,
Alandur, Chennai.

2.The Inspector of Police,
W-32 All Women Police Station,
Madipakkam, Chennai.

3.The Public Prosecutor,
High Court, Madras.

1 cc to M/s. S. Siva, Party in person, Sr. 3357

Cr1.R.C.No.76 of 2016
and
Cr1.M.P.No.517 of 2016

RSK (CO)
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