

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2016

CORAM:

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

Crl.R.C.Nos.908 and 909 of 2016

and

Crl.M.P.Nos.7065 and 7066 of 2016

1.Philip Thomas

2.Omana

3.Bindu Philip

... Petitioners/in Both Crl.Rc

Vs.

1.The State represented by
Inspector of Police,
W-8 All Women Police Station,
Thirumangalam,
Chennai.

2.S.Thankira

(R2 impleaded as per order of this Court
dated 05.08.2016 passed in Crl.M.P.Nos.8288/16
and 8289 of 2016 in Crl.Rc.908 & 909/2016)

.. Respondents/ in Both Crl.Rc

Criminal Revisions filed under Sections 397 and 401
Cr.P.C. against orders of Chief Metropolitan Magistrate, Egmore,
Chennai, passed in C.M.P.Nos.4043 and 4042 of 2014 respectively
in C.C.No.9451 of 2007 on 07.01.2016.
Appearance (in both revisions):

For Petitioners : Mr.S.Kingston Jerold

For Respondents : Mr.K.Madhan, Government Advocate
[Crl.side] [R1]
Mr.M.Mushtaq Aahmed [R2]

C O M M O N O R D E R

These revisions arise against orders of learned Chief Metropolitan Magistrate, Egmore, Chennai, passed in C.M.P.Nos.4042 and 4043 of 2014 in C.C.No.9451 of 2007 on 07.01.2016.

2. Petitioners/A1 to A3 face trial in C.C.No.9451 of 2007 on the file of learned Chief Metropolitan Magistrate, Egmore, Chennai, for offences u/s.498-A, 406, 506(ii), 494 r/w 109 IPC and 3, 4, and 6 of Dowry Prohibition Act. The case of the prosecution is that the petitioners demanded dowry from the de facto complainant and cruelly treated her. On the complaint of the de facto complainant, a case was registered in Crime No.3 of 2007 on the file of first respondent. Petitioners, who are in-laws of the de facto complainant, filed a petition seeking discharge and the same was dismissed under order dated 15.04.2014. Thereafter, petitioners moved Crl.M.P.No.4042 of 2014 seeking a direction to the prosecution towards issuance of translated copy of 161 statements, charge sheet and other records in Malayalam language and Crl.M.P.No.4043 of 2014 seeking appointment of a translator to assist the petitioners. Both petitions were dismissed under the impugned orders and the present revisions have been filed challenging such orders.

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

4. On a perusal of orders under challenge, this Court finds that the Court below negated the contention of petitioners that they do not know Tamil and they only know Malayalam on the reasoning that even before filing the present petitions, the petitioners have a filed petition seeking discharge stating that there was no prima facie case made out against them, which would reveal that they were well aware of the charges levelled against them. Court below has noted that Section 211 Cr.P.C. informs that the charge shall be written in the language of the Court. Court below has also observed that the petitions were filed only to protract the proceedings and that the petitioners could very well file a petition at the time of examination of witnesses. On the above reasoning, the Court below dismissed the petitions. This Court finds no error in the orders under challenge.

The Criminal Revision Cases are dismissed. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm
To

1.The Chief Metropolitan Magistrate,
Egmore, Chennai.

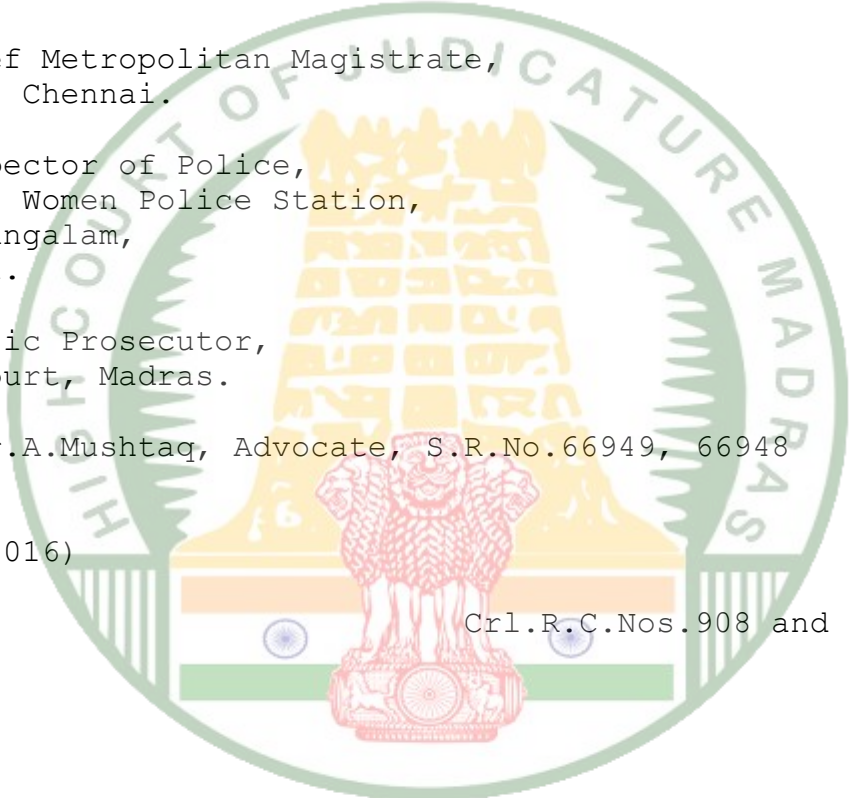
2.The Inspector of Police,
W-8 All Women Police Station,
Thirumangalam,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.A.Mushtaq, Advocate, S.R.No.66949, 66948

RK(CO)
BB(30/12/2016)

Cr1.R.C.Nos.908 and 909 of 2016

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital of Ashoka in front of it. The gopuram is flanked by two green trees. The entire emblem is set against a white background with a green border. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular path around the emblem. Below the emblem, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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