



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2016

CORAM:

THE HONOURABLE DR.JUSTICE P.DEVADASSCrl.R.C.(MD) No.608 of 2016

WEB COPY

Jesinthamary

... Petitioner / Petitioner

-vs-

1.Selvaraj

2.Sebasthiammal

3.The State Rep.by

The Inspector of Police

R.S.Mangalam Police Station

Ramanathapuram District

(Crime No.125 of 2015)

... Respondents / Respondents

PRAYER : Criminal Revision Petition is filed, under Sections 397 and 401 Cr.P.C., to call for the records in Cr.M.P.No.2849 of 2015, order dated 18.07.2016, on the Principal Sessions Judge, Ramanathapuram, and set aside the order.

For Petitioner: Mr.P.Muthusamy

For Respondents : Mrs.S.Prabha

Govt.Advocate (Crl.Side) for R3

O R D E R

Aggrieved by the dismissal of her bail cancellation petition in Crl.M.P.No.2849 of 2015, by the learned Principal Sessions Judge, Ramanathapuram, the *de facto* complainant in Crime No.125 of 2015, on the file of R.S.Mangalam Police Station, has directed this revision.

2. Respondents 1 and 2 and certain others are accused in Crime No.125 of 2015, registered by R.S.Mangalam Police, under Sections 294(b), 323, 147, 506(I) I.P.C., and Section 4 of Woman Harassment Act. The respondents 1 and 2 were granted anticipatory bail by the learned Principal Sessions Judge, Ramanathapuram, in Cr.M.P.No.2709 of 2015, on 28.10.2015, with a condition to appear before the learned Judicial Magistrate, Thiruvadanai, daily at 10 a.m., for ten days.

3. On 04.11.2015, the respondents 1 and 2 appeared before the learned Judicial Magistrate, Thiruvadanai, at 3.30 p.m., instead of 10 a.m. This was closely watched by the revision petitioner / *de facto* complainant. She filed Cr.M.P.No.2849 of 2015, before the learned Principal Sessions Judge, Ramanathapuram, to cancel their anticipatory bail that they have violated the bail conditions.

<https://hcservices.ecourts.gov.in/hcservices/>

4. Respondents 1 and 2 have tendered their explanation as to why on that day they could not appear before the learned Judicial



Magistrate, Thiruvadanai, at 10 a.m. They have stated that they had gone to School and also to Hospital in connection with treatment.

5. The learned Principal Sessions Judge, Ramanathapuram, after hearing the parties, came to the conclusion that the *de facto* complainant has no *locus standi* to file a petition to cancel the bail order, ofcourse, she can only assist the prosecution by filing memorandum of arguments and the factual matrix discloses that they did not attend the Court at 3.30 p.m., wantonly. Thus, the learned Principal Sessions Judge refused to cancel the bail order and dismissed the petition.

6. The learned counsel for the revision petitioner would contend that the revision petitioner / *de facto* complainant did not ask for permission to conduct the prosecution on behalf of the Assistant Public Prosecutor attached to that Court. She is a victim of crime. She has *locus standi* to approach the Court for cancellation of bail when especially the prosecution did not do so. The learned Principal Sessions Judge specified a particular time to comply the bail conditions, but respondents 1 and 2 have chosen their own time.

7. The learned Government Advocate (Criminal Side) submitted that explanation has been offered by the accused for their late appearance before the Court, subsequently they have regularly appeared before the said Court and obeyed the bail conditions.

8. I have anxiously considered the rival submissions, perused the impugned order and also the materials on record.

9. Victims of crime are also have a say in the administration of criminal justice. They are also stake-holders in the delivery of justice by the Criminal Courts. Ofcourse, as regards conducting of prosecution, the role of the victims is limited to the extent of assisting the prosecution by filing memorandum of arguments. But, there is minute distinction in this regard before the Sessions Court and before other Criminal Courts. When the bail conditions are not obeyed, the *de facto* complainant can also file a petition for cancellation of bail granted to the accused, because he / she is the victim of the crime. Victim also will be an aggrieved person.

10. In this case, the revision petitioner / *de facto* complainant is not a stranger or a busybody. So, on this aspect we differ with the conclusion of the learned Principal Sessions Judge, Ramanathapuram.

<https://hcservices.courts.gov.in/hcservices/> We concur with the view taken by the learned Principal Sessions Judge on the factual matrix. It seems that the revision petitioner / *de facto* complainant was tracking the



accused. It seems that she is always eyeing on them and their movements.

12. On the particular day, namely, 04.11.2015, of course respondents 1 and 2 did not show their countenance before the learned Judicial Magistrate, Thiruvadanai, at 10 a.m. In fact, during that time, it was impracticable, because at about that time the learned Magistrate was on other duty to the Court in Rameshwaram. In the meanwhile, the respondents 1 and 2 were stated to have attended the School and also Hospital. The learned Sessions Judge was satisfied with their explanation. The revision petitioner / *de facto* complainant may not be magnanimous, but not a Court.

13. In the facts and circumstances, the learned Principal Sessions Judge, Ramanathapuram, has rightly refused to cancel the anticipatory bail granted to them.

14. Thus, on legal issue the revision petitioner / *de facto* complainant has won, but on factual aspect the accused have won.

15. Resultantly, this criminal revision is dismissed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub-Assistant Registrar

To:

1.The Principal Sessions Judge,
Ramanathapuram.

2.The Judicial Magistrate,
Thiruvadanai.

3.The Government Advocate (Criminal Side)
Madurai Bench of Madras High Court,
Madurai.

4.The Inspector of Police,
R.S.Mangalam Police Station,
Ramanathapuram District.

Krk

RL/5C/3P/GSV/PM/14/9/2016

Cr1.R.C.(MD) No.608 of 2016