

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2017

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl.R.C.No.680 of 2015

R.Kumar ... Petitioner/Plaintiff

vs

1.State rep.by
The Inspector of Police,
Ketti Police Station,
Coonoor, The Nilgiris.

2.Rajkutty @ Nandhakumar ... Respondents/Defendant/Accused No.17

Criminal Revision Case filed under section 397 r/w 401 of the Code of Criminal Procedure, to set aside the order dated 11.05.2015 made in C.C.No.35 of 2007 on the file of the learned Judicial Magistrate, Coonoor in so far as the dismissal of the complaint in respect of the respondent.

For Petitioner : Mr.B.Kumarasamy

For Respondents: Mr.R.Ravichandran for R-1
Government Advocate(Crl. Side)

O R D E R

This Criminal Revision Case has been filed by the petitioner challenging the order dismissing the petition against 17th accused under Section 204 of Cr.P.C. The petitioner in C.C.No.35 of 2007 filed a private complaint against 19 accused for the offences under Sections 120(b), 147, 148, 380, 427, 448, 457 and 506(ii) of IPC and r/w Section 200 and 210 of Cr.P.C. The learned Judicial Magistrate, Coonoor, took cognizance of offences and issued process in C.C.No.35 of 2007 and process were served on some of the accused. Despite efforts, the correct address of the 17th accused could not be traced and as such the summon was not served on him. In the above circumstances, the Court below dismissed the complaint against the 17th accused under Section 204 Cr.P.C. Now, challenging the said order of dismissal, the present criminal revision case has been filed.

2. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent and I have also perused the materials available on record.

3. The learned counsel appearing for the petitioner would submit that at the time of filing the complaint, A-17 was living separately and the whereabouts of A-17 could not be ascertained. In the above circumstances, the summons was not served on him. Hence, the trial Court dismissed the complaint against the 17th accused. Now, the petitioner got the correct address of the 17th accused and he is prepared to take necessary process for issuing summons to A-17, the learned counsel contended.

4. Considering the above facts and circumstances of the case, the order passed by the Court below is set aside and the petitioner is directed to furnish the correct address of A-17 and also take necessary steps to serve summons and after service of summons on A-17, the trial Court shall proceed further with the trial according to law and dispose of the same as expeditiously as possible.

5. In the result, the criminal revision case is disposed of with the above directions.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

rrg

To

1.The Judicial Magistrate,
Coonoor.

2.do-Thro The Chief Judicial Magistrate,
Nilgiris.

3.The Inspector of Police,
Ketti Police Station,
Coonoor, The Nilgiris.

4.The Public Prosecutor,
High Court, Madras.

5. The Section Officer,
Criminal Section, High Court, Madras.

+lcc to Mr.B.Kumarasamy, Advocate in sr.no.40259

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SKV(CO)
NR 09/11/2017



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