

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2017

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Cr1.R.C.No.927 of 2015

K.P.Arumugam

...Petitioner/Complainant

vs

1.R.Stephen Raj
2.CrimeRaj

...Respondents/Accused

Criminal Revision Case filed under section 397 r/w 401 of the Code of Criminal Procedure, to call for the records relating to the order of the learned Judicial Magistrate No.III, Erode, dated 18.06.2015 made in C.M.P.No.4007 2015 in S.T.C.No.8287 of 2014 and set aside the same and consequently direct the invocation of Section 87(a) Cr.P.C.

For Petitioner : Mr.T.Gowthaman
For Respondents: No appearance

O R D E R

The petitioner is the complainant in S.T.C.No.8287 of 2014 on the file of the learned Judicial Magistrate No.III, Erode. Earlier, the petitioner filed a complaint against the respondents herein for the offence under Sections 500 and 501 IPC and the Court below taken the matter on file and issued process to the respondents. Totally, there are five accused in this case and the accused 3 to 5 received the summons and appear before the Court below. The respondents being the accused 1 and 2 avoiding to receive the summons and they are not appearing before the Court below. In the above circumstances, the petitioner filed a petition under Section 87(a) Cr.P.C. seeking a direction to the Court below to issue warrant against the respondents to secure them. The Court below dismissed the above petition stating that the summons sent to the accused 1 and 2 were returned on the ground that no such address and only after the petitioner give correct address steps will be taken under Section 87 of Cr.P.C. and dismissed the petition. Challenging the same, the present criminal revision has been filed.

2. Earlier, this Court ordered notice to the respondents, since notice was not served on them. This Court by order dated 05.10.2015, directed the jurisdictional police station serve notice to the respondents. Pursuant to the said order, the Inspector of Police, R-10, M.G.R. Nagar Police Station, Chennai, taken steps to serve the notice. But, the respondents are not residing in the above said given address. Therefore, the Inspector of Police filed a report before this Court stating that they could not serve notice to the respondents.

3. The learned counsel appearing for the petitioner would submit that the respondents are being Publisher and Editor of the magazine and they have given address in their weekly magazine, namely, No.27, Erikarai Salai, Nesapakkam, West K.K. Nagar, Chennai-600 078 as the registered office, now they are purposely vacated the premises and they are deliberately avoiding the summons. In the above circumstances, unless a warrant issued to the respondents, the respondents will not appear before the trial Court. In support of his contention, the learned counsel appearing for the petitioner relied upon a Judgment of this Court in M/S.JEEVAN EMU CARE INDIAN(P) LTD., REP. BY ITS MANAGING DIRECTOR, V.RAJAPANDI AND OTHERS Vs. THE STATE OF TAMILNADU REP. BY ITS DEPUTY SUPERINTENDENT OF POLICE ECONOMIC OFFENCE WING II, DINDIGUL reported in 2015-2-LW.(CrI.) 110.

4. The first respondent is being the publisher of weekly magazine, namely, "Por Murasu" and the second respondent is being the Editor of said magazine and they given the above address as the registered office and notice sent through the registered post, but, the respondents deliberately avoiding the summons, now they have vacated the premises. In the above circumstances, since the respondents deliberately avoiding the summons, it is just and necessary to issue bailable warrant to the respondents. Hence, the impugned order passed by the Court below is hereby set aside and the Court below is directed to issue bailable warrant to the respondents to secure the presence.

5. In the above observation, the Criminal Revision Case is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

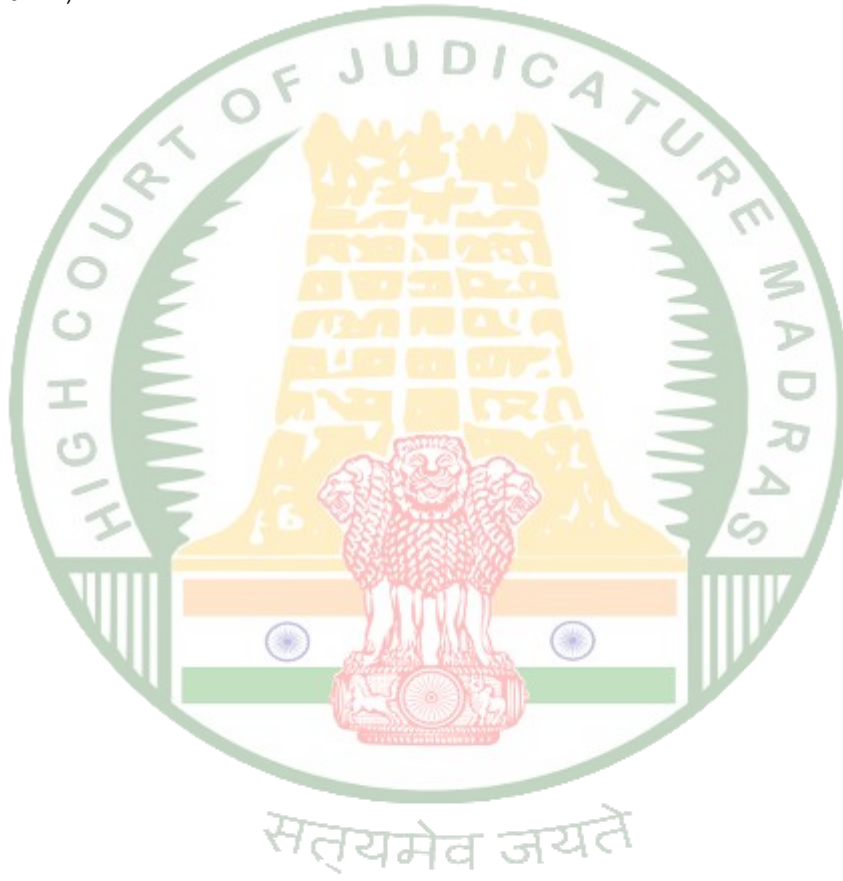
rrg

To

The Judicial Magistrate No.III,
Erode.

Crl.R.C.No.927 of 2015

CP (CO)
RS (05/05/2017)



WEB COPY