

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 27.11.2017
CORAM
THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN
Crl.R.C.No.198 of 2012

K.Ramachandra Kurup

... Petitioner/Complainant

vs

1.V.V.R.Choudhary

2.V.Kamalakar

... Respondents/Accused

Criminal Revision Case filed under section 397 r/w 401 of the Code of Criminal Procedure, to set aside the order passed in Crl.M.P.No.4586 of 2011 dated 12.01.2012 on the file of the learned XVII Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner : Mr.S.Baskaran for
M/s.Ram and Ram

For Respondent : Mr.K.Elango

This Criminal Revision has been filed against the order dismissing the private complaint under Section 203 Cr.P.C.

2. The learned counsel appearing for the petitioner would submit that the petitioner filed a private complaint against the respondent herein for the alleged offence under Section 500 I.P.C. The complainant examined himself as P.W.1 and filed sworn statement and also produced two more witnesses and they have also filed sworn statement. But, the learned Magistrate without considering the complaint, evidence and sworn statement of witnesses has mechanically dismissed the complaint under Section 203 Cr.P.C.

3. Heard the learned counsel appearing for the petitioner and also the learned counsel appearing for the respondents and perused the materials available on record.

4. On perusal of the records, it is seen that the complainant was examined himself as P.W.1 and filed sworn statement and also examined two other witnesses and they have also filed sworn statement. The learned XVII Metropolitan Magistrate, Saidapet without considering the complaint and sworn statement of witnesses, simply dismissed the complaint under Section 203 Cr.P.C. stating that there is no sufficient ground to proceed with. It is settled law that while passing order

under Section 203 Cr.P.C., the learned Magistrate is expected to give valid reason for dismissing the complaint. But, on perusal of the order, it is seen absolutely no reason is given by the learned XVII Metropolitan Magistrate, but simply dismiss the complaint without considering the materials available on record.

5. In the above circumstances, without going into merits of the case, I am inclined to set aside the order passed by the learned XVII Metropolitan Magistrate, Saidapet, Chennai dated 12.01.2012 in CrI.M.P.No.4586 of 2011 and to remand the matter to the lower Court. The learned XVII Metropolitan Magistrate, Saidapet is directed to consider the complaint along with sworn in statements of the witnesses produced by the complainant, and pass a detailed order on merit within a period of six weeks from the date of receipt of a copy of this order.

6. In view of the above direction, the criminal revision case is disposed of.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rrg

To

1.The XVII Metropolitan Magistrate,
Saidapet, Chennai.

2.Do-Thro The Chief Metropolitan Magistrate
Egmore Chennai

+1 cc to Mr.Elango Advocate sr 84472

+1 cc to M/s.Ram & Ram Advocate sr 84063

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