



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2017

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THE HON'BLE MR.JUSTICE B.GOKULDAS

CRL.R.C. (MD) No.205 of 2017

and

CRL.M.P. (MD) No.1792 of 2017

D.Chairman : Petitioner/Petitioner/Complainant

vs.

1.Srinivasan

2.Anantharaj

3.Selvamani : Respondents/Respondents/
Accused Nos.1 to 3

Prayer: Criminal Revision is filed under Section 397 r/w 401 of the Code of Criminal Procedure, praying to call for the records pertaining to the order passed in Cr.M.P.No.592 of 2017 in C.C.No.103 of 2009 on the file of the Learned Judicial Magistrate Court, Karaikudi, dated 14.2.2017 and set aside the same and to allow this revision.

For Petitioner : Mr.N.Dilip Kumar

ORDER

This Criminal Revision has been filed against the order, dated 14.02.2017, passed in Cr.M.P.No.592 of 2017 in C.C.No.103 of 2009 by the learned Judicial Magistrate, Karaikudi.

2.The Revision petitioner herein filed a petition in Crl.M.P.No.592 of 2017 under Section 284 of Cr.P.C., seeking to appoint a commission to examine one Dr.S.P.Ramanathan at Madurai. The petitioner is the complainant in the said case instituted by him privately.

3.According to the petitioner, he was treated by Dr.S.P.Ramanathan, who had also issued wound certificate. Now due to his elderly age, the said doctor is unable to travel from Madurai to Karaikudi to depose as a witness. He has further stated that evidence of the said doctor is vital and indispensable and hence a commission needs to be appointed to examine him. The learned Judicial Magistrate, Karaikudi dismissed the application



stating that the Judicial Magistrate has no jurisdiction to consider the said application.

4. Against the said order of dismissal, the petitioner has come out with the present Civil Revision Petition.

5. Heard the learned counsel appearing for the petitioner and perused all the materials available on record.

6. The petitioner, who is a complainant in a private case, wants to examine the doctor, who treated him, for the injuries sustained by him in the alleged occurrence. He has stated in his petition that the doctor, who treated him, is not well as he is aged now. According to him, his evidence is very much vital for his case. The proviso to Section 284 of Cr.P.C., provides for appointment of Commission to examine the witness, who is unable to produce before the Court.

7. In view of the above, the Civil Revision Petition is allowed by setting aside the order, dated 14.02.2017 passed in Cr.M.P.No.592 of 2017, by the learned Judicial Magistrate, Karaikudi. The petitioner is at liberty to file a fresh petition under Section 284 of Cr.P.C., and the learned Judicial Magistrate, Karaikudi is directed to consider the same and pass order in accordance with law. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

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To

1. The Judicial Magistrate, Karaikudi.

2 -do- through The Chief Judicial Magistrate,
Sivagangai District.

+1CC to Mr.N.Dilipkumar, Advocate Sr.No.12034

GJM/RSK/10.3.17-2p-4C

Order made in
CRL.R.C. (MD) No.205 of 2017
Dated: 02.03.2017