

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 28.07.2017**

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN**CrI.R.C (MD) .No.601 of 2017**

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R.Veerasekar

... Petitioner/Complainant

-Vs-

- 1.Saravana Kumar,
Head Constable,
Karaikudi North Police Station,
Karaikudi, Sivagangai District.
- 2.Senthil,
Head Constable,
Karaikudi South Police Station,
Karaikudi, Sivagangai District.
- 3.Senthilkumar
Head Constable,
Karaikudi South Police Station,
Karaikudi, Sivagangai District.
- 4.S.V.Raja
Sub-Inspector of Police,
Karaikudi South Police Station,
Karaikudi, Sivagangai District.
- 5.S.Raja Mohammed
Sub-Inspector of Police,
Karaikudi South Police Station,
Karaikudi, Sivagangai District.
- 6.S.Alagarsamy,
Sub-Inspector of Police,
Karaikudi South Police Station,
Karaikudi, Sivagangai District.

... Respondents

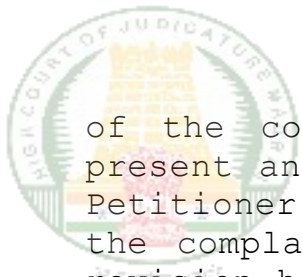
Prayer : Criminal Revision Case filed under Section 397 r/w 401 and 482 of the Code of Criminal Procedure, praying this Court to set aside the order passed in CrI.M.P.No.2953 of 2016, dated 24.6.2016, on the file of the Principal District Munsif Court-cum-Judicial Magistrate, Karaikudi, Sivagangai District.

For Petitioner	: M/s.T.Lenin Kumar
For Respondents	: Mr.G.Prabhu Rajadurai for M/s.K.N.Govardhanan

O R D E R

This revision has been filed against the order dismissing the Petitioner's private complaint filed under Section 200 of Cr.P.C, for his non-appearance.

2.The Petitioner said to have filed a private complaint and the complaint was taken cognizance and posted for sworn statement



of the complainant on 17..6.2016 and on that day, he was not present and then it was posted to 24.6.2016, on that day also, the Petitioner did not appear. Hence the Judicial Magistrate dismissed the complaint for default. Now challenging the same, the present revision has been filed.

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3. Heard the submissions of Mr.T.Lenin Kumar, learned counsel for the Petitioner and Mr.G.Prabhu Rajadurai, learned counsel appearing for the respondents and considered the materials on record.

4. The learned counsel for the Petitioner submitted that since the counsel did not inform him about the date of hearing, he was not able to appear before the Court for the purpose of giving sworn statement.

5. Considering the fact that the Petitioner failed to appear before the trial Court only for two hearings, this Criminal Revision Case is allowed and the order passed in Crl.M.P.No.2953 of 2016, dated 24.6.2016, on the file of the Principal District Munsif Court-cum-Judicial Magistrate, Karaikudi, Sivagangai District is set aside. The Petitioner is directed to appear before the Court below on 7.8.2017 for the purpose of giving sworn statement and produced witness if any for examination. If the Petitioner failed to appear before the Court below on that day, it is open to the learned Judicial Magistrate to dismiss the Petition filed by him .

6. At this stage, the learned counsel for the respondent submitted that he may be permitted to raise all his objections in the event of Judicial Magistrate has decided to issue process under Section 204 of Cr.P.C, but it is not permissible as per the judgement of the Honourable Supreme Court in **Adalat Prasad .vs. Rooplal Jindal and others** reported in **(2004) 7 SCC 338**. In the event of any summons being issued against the Petitioner, it is always open to him to challenge the same, if he so advised.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Principal District Munsif-cum-Judicial Magistrate,
Karaikudi,
Sivagangai District.

+1cc to Mr.T.LENIN KUKAR Advocate in SR. NO.68533

VSN

JS/SKN.RSK/SAR.1/2P-3C