



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.07.2017

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.R.C (MD) .No.864 of 2011

and

MP (MD) No.2 of 2011

Vijayakumar @ Pappukutty

... Petitioner/Accused

-Vs-

The State

Rep.by its Sub-Inspector of Police,

Kollencode Police Station,

Kanyakumari District.

Cr.No.8/09

... Respondent/Complainant

Prayer : Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, praying to set aside the order passed in Cr.M.P.No.865 of 2009 in C.C.No.7 of 2009 dated 06.07.2011 passed by the Judicial Magistrate No.2, Kuzhithurai in Crime No.8/09 on the file of respondent police.

For Petitioner

: Mr.S.C.Herold Singh

for Respondent

: Mr.C.Mayilvahana Rajendran

Additional Public Prosecutor

ORDER

The petitioner stood charged for the offence under Sections 294(b) and 506(ii) of I.P.C. Thereafter, the petitioner filed an application to discharge him from the above criminal charges. The Court below dismissed the application. Challenging the same, the present revision has been filed.

2.Earlier, a complaint has been filed against the petitioner alleging that he requested the de-facto Complainant to prefer a complaint against the Police and he refused to do so. Hence, he abused him in filthy language and criminally intimidated him. Further, he threatened him stating that if he lodges a complaint against him, he would finish him off by dashing his scooter. Based on the same, the Police registered a case for an offence under Sections 294(b) and 506(ii) of I.P.C. After investigation, charge sheet has been filed against the petitioner. Thereafter, the petitioner filed a petition for discharging him from the above charges. The Trial Court dismissed the same.

3.I have heard Mr.S.C.Herold Singh, learned counsel appearing for the petitioner and Mr.C.Mayilvahana Rajendran, Additional Public Prosecutor, appearing for the respondent and perused the records carefully.



4. From the materials available on record, it could be seen that prima facie material is against the petitioner to proceed with the case. After considering the same, the trial Court dismissed the same. I find no illegality or irregularity in the order passed by the court below. Hence, there is no merit in the revision and the same is liable to be dismissed.

5. Accordingly, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is also dismissed.

6. However, taking into consideration of the fact that C.C.No.7/09 is pending from the year 2009, the trial Court is directed to conduct trial and dispose of the same within a period of two months from the date of receipt of a copy of this order. The petitioner is also directed to cooperate with the trial.

7. At this stage, the learned counsel appearing for the petitioner submitted that the petitioner is a practising advocate and is residing in Kerala and hence, he is not in a position to appear before the court. If the petitioner is having any difficulty to appear before the court, it is open to him to file an application for dispensing with his appearance. On filing such application, the trial court is directed to consider the same and pass orders on merits.

Sd/-

Assistant Registrar(AD-II)

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.2,
Kuzhithurai.

2. The Sub-Inspector of Police,
Kollencode Police Station,
Kanyakumari District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.C.Herold Singh, Advocate, SR. 64483

Cr1.R.C(MD) No.864 of 2011
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