



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.R.C(MD) .No.420 of 2013

and

MP(MD)No.2 of 2013

1.Pandiyaraj @ Battery Pandi
2.Madamuthu
3.Pandiyarajan
4.Murugan

.. Petitioners/Accused 1 to 4
Vs.

The State rep.by
The Inspector of Police,
Srivilliputhu Town Police Station,
Virudhunagar District
Crime No.1042 of 2008

... Respondent/Complainant

Prayer : Criminal Revision Case filed under Section 397 r/w 401 to call for records pertaining to the order of the Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District in Cr.M.P.No.4255 of 2012 in C.C.No.54 of 2009 dated 17.12.2012 and set aside the same.

For Petitioner : Mr.M.Jegadeesh Pandian

For Respondent : Mr.C.Mayilvahana Rajendran,
Additional Public Prosecutor

O R D E R

Challenging the order amending the charge sheet filed under the Tamil Nadu Prohibition of Eve Teasing Act, 1998 into Tamil Nadu Prohibition of Harassment of Women Act, 1998, the Criminal Revision Case has been filed.

2.The petitioners are the accused in C.C.No.54 of 2009. They stood charged for the offence under Section 4 of the Tamil Nadu Prohibition of Eve Teasing Act, 1998 and after investigation, final report has been filed and the case has also been taken on file. Subsequently, the Act has been changed into the Tamil Nadu Prohibition of Harassment of Women Act, 1998. In the above circumstances, the prosecution has filed a petition to amend the nomenclature of the Act and the Court below under Section 216 Cr.P.C., changing Act as the Tamil Nadu Prohibition of Harassment of Women Act, 1998. Challenging the same, the present Criminal Revision Case has been filed.



3.The learned counsel appearing for the petitioners submitted that initially charge has been framed under Section 4 of the Tamil Nadu Prohibition of Eve Teasing Act. Now, the Court cannot introduce a new Act by invoking Section 216 Cr.P.C.

4.The learned Additional Public Prosecutor submitted that only the nomenclature of the Act has been changed as Tamil Nadu Prohibition of Harassment of Women Act, 1998 instead of Section 4 of the Tamil Nadu Prohibition of Eve Teasing Act, 1998 and therefore, the order passed by the Court below does not require any interference.

5.Considering the fact that only nomenclature of the Act has been changed and by amending the same, no prejudice would be caused to the petitioners and therefore, this Revision Case is liable to be dismissed.

6.In fine, this Criminal Revision Case is dismissed. However, since the matter is pending from the year 2009, the trial Court is directed to proceed with the trial and dispose of C.C.No.54 of 2009 within a period of two months from the date of receipt of a copy of this order. Consequently, MP(MD)No.2 of 2013 is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

1.The Judicial Magistrate No.II, Srivilliputhu,
Virudhunagar District.

2.The Inspector of Police,
Srivilliputhu Town Police Station,
Virudhunagar District.

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

Mj

RL/4C/2P/SV/MMS/SAR1/14/9/2017

Cr1.R.C(MD) No.420 of 2013