

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:27.02.2018

CORAM:

THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

Crl.R.C.No.248 of 2018

R.Babu

.. Petitioner

Vs.

1.State represented by its
The Sub Inspector of Police,
Valathi Police Station,
Villupuram District.
(Crime No.141 of 2015)

2.Selvam

3.Rajendhiran

4.Sankar

5.Govindasamy

6.Sankar

... Respondents/Accused 1 to 5

Criminal Revision filed under Section 397 and 401 Cr.P.C.
praying to call for the records pertaining to the order dated
27.11.2017 and made in C.C.No.125 of 2015 on the file of the
Judicial Magistrate Court, Gingee and set aside the same.

For Petitioner : M/s.V.R.Appaswamee

For Respondent : Mr.C.Emalias,

Public Prosecutor

Assisted by

Mr.G.Ramar

Government Advocate (Crl.side)

O R D E R
सत्यमेव जयते

Pursuant to the order of this Court dated 26.02.2018, the
Superintendent of Police, Deputy Superintendent of Police,
Inspector of Police, along with Additional Public
Prosecutor/Trial Court have appeared before this Court.

2. I heard M/s.V.R.Appaswamee, learned counsel appearing
for the petitioner and Mr.C.Emalias, learned Public Prosecutor
assisted by Mr.G.Ramar, appearing for the respondents and
Superintendent of Police, Deputy Superintendent of Police,
Inspector of Police and Additional Public Prosecutor/Trial
Court.

3. The petitioner is the defacto complainant in C.C.No.125 of 2015. The order dated 27.11.2017 passed by the learned Judicial Magistrate, Gingee, which is under challenge herein, reads thus:

All accused present. Despite addressing SHO, SP, DSP in D.Nos.2389, 2390, 2392 of 2017 dated 27.10.2017 no witness produced, no any explanation adduced by any of them with regard to service of summons. Hence, all further proceedings are stopped Under Section 258 Cr.P.C and all accused are discharged.

4. It is the case of the petitioner that he has given a complaint against the respondent/accused in Crime No.141 of 2015 and a charge sheet was filed before the learned Judicial Magistrate, Gingee and the same was taken on file in C.C.No.125 of 2015.

5. It is the case of the petitioner despite addressing State House Officer, Deputy Superintendent of Police, Superintendent of Police in Diary Nos.2389, 2390, 2392 of 2017 dated 27.10.2017, there is no appearance by the respondent Police and Additional Public Prosecutor/Trial Court. Therefore, the learned Judicial Magistrate, Gingee, stated that no witness was produced and no any explanation adduced by any of them with regard to service of summons. Hence, all further proceedings are stopped under Section 258 Cr.P.C and all accused were discharged from the C.C.No.125/2015.

6. In the result, this Criminal Revision Petition is allowed by setting aside the order in C.C.No.125 of 2015, dated 27.11.2017 and the matter is remanded back to the learned Judicial Magistrate Court, Gingee, and the learned Judicial Magistrate is directed to dispose of the case on merits within a period of six months by issuing proper summon to both parties particularly accused and complainant. The respondent Police is directed to take personal care in this case towards expeditious disposal of the same.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate Court,
Gingee.

2.The Sub Inspector of Police,
Valathi Police Station,
Villupuram District.

3.The Government Advocate,
High Court, Chennai.

+2cc to Mr.V.R.Appaswamee, Advocate, S.R.No.14995

Cr1.R.C.No.248 of 2018

RRK(14/03/2018)



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