

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 05.04.2018
CORAM:
THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN
Crl.R.C.No.454 of 2018

M.M.D.Abirami Lingeshwari
Chairperson,
Info Engineering College,
Koilpalayam,
Coimbatore - 107.

...Petitioner/Defacto Complainant

..Vs..

State rep.by

1.Inspector of Police,
Kovil Palayam Police Station,
Coimbatore District.
Crime No.180 of 2016

...Respondent/Complainant

2.Dr.Karuna

...Respondent/Accused

PRAYER: Petition filed under Section 397 read with 401 of the Criminal Procedure Code, to set aside the order dated 04.01.2018 made in S.T.C.No.3378 of 2016 passed by the learned Judicial Magistrate II, Coimbatore.

For Petitioner : Mr.B.Nambiselvan
For R1 : Mr.B.Arulmozhimaran,
Govt.Advocate (Crl.side)

O R D E R

The Revision Petitioner/complainant has preferred this revision aggrieved by the order dated 04.01.2018 passed by the learned Judicial Magistrate-2, Coimbatore in S.T.C.No.3378 of 2016, stopping the criminal proceedings and acquitting the accused under Section 258 Cr.P.C. on the ground that the prosecution has not taken steps, though it is a matter pending for one year.

2. The alleged offence against the second respondent/accused is under Section 323 IPC and the prosecution appears to have not taken steps to produce the accused inspite of the issuance of summons and accordingly, the proceedings have been terminated by

the learned Judicial Magistrate-2, Coimbatore.

3. In support of his submissions, learned counsel for the petitioner relied on a decision of the Supreme Court reported in 2009 (14) SCC 345 (Renuka Vs. State of Karnataka).

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the first respondent and perused the materials available on record.

5. Upon perusing the said decision and on a reading of the order passed by the Court below and on perusal of the records, I am of the view that the impugned order is liable to be set aside. Accordingly, the impugned order passed by the learned Judicial Magistrate-2, Coimbatore, is set aside. The matter is remitted back to the Court below for re-trial in accordance with law. The first respondent-Police is hereby directed to ensure the presence of the second respondent/accused before the Court below and the trial shall be completed within three months from the date of receipt of a copy of this order. The CrI.R.C. is accordingly allowed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

nvi

To

1.The Judicial Magistrate II, Coimbatore.

2.-do- Thro The Chief Judicial Magistrate Coimbatore

3.The Inspector of Police
Kovilpalayam Police station
Coimbatore District

+1 cc to M/s.B.Nambiselvam Advocate sr 25144

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