

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2018

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

CrI.O.P.No.4026 of 2018

CrI.M.P.No.1862 of 2018

Salem District, Attur Taluk, Attur,
SelliамmanSwamy Deity, Temple, Chariot Stand
and Commercial Shop buildings
Founder Late S.V.Narayana Chettiyar's
5th Generation Legal heir
A.Raja @ Rajaram

..Petitioner/Revision Petitioner

Vs.

1.Baskar
2.Vijayaram
3.PattasuRamu
4.Nagaraj
5.Vijayaram
6.S.Palanisamy
7.K.Marimuthu
8.A.Thirunavukkarasu
9.R.Arumugam
10.R.Vasanthan
11.A.Rajaram
12.M.Vadamalai
13.Kalyan C.Arumugam
14.P.Kumaran
15.Arulmigu Drowpathiamman Thirukkivil
Executive Officer
Hindu Religious and Charitable Endowment Board
Attur 636 102.

..Respondents/Respondent

Prayer:

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code seeking to set aside the order dated 10.11.2017 made in CMP 303/2017 in CrI.R.C.No.37/2016 on the file of the III Additional District and Sessions Court, Salem.

For Petitioner : Mr.A.Raja @ Rajaram
Party-in-person

O R D E R

This petition has been filed seeking to set aside the order dated 10.11.2017 made in CMP No.303/2017 in Crl.R.C.No.37/2016 on the file of the Salem District Third Additional District and Sessions Court, Salem.

2. The petitioner filed a private complaint in C.M.P.No.1841 of 2015 before the Judicial Magistrate No.I, Attur against Baskar and 14 others alleging that he was assaulted near the Drowpathiamman temple, by Baskar [A1], Vijayaram [A2], Pattasu Ramu [A3], Nagaraj [A4] and Vijayaram [A5]. In the said complaint, the 15th accused has been shown as the Executive Officer, Arulmigu Drowpathiamman temple and he has not been named in the cause title. Even in the body of the complaint, there is no allegation that the 15th accused had assaulted the de facto complainant. However, it is the case of the de facto complainant that on account of the disputes with regard to the Arulmigu Drowpathiamman temple, Baskar [A1], Vijayaram [A2], Pattasu Ramu [A3], Nagaraj [A4] and Vijayaram [A5] had attacked him. The learned Judicial Magistrate-I, Attur has dismissed the private complaint, challenging which the petitioner has filed Crl.R.C.No.37 of 2016 and the same is now pending on the file of the III Additional District and Sessions Judge, Salem. While so, the petitioner filed C.M.P.No.303 of 2017 in Crl.R.C.No.37 of 2016 under Section 91 Cr.P.C. for a direction to the authorities to give the name of the 15th accused, viz. the Executive Officer of the temple. This petition has been dismissed by the Sessions Court on 10.11.2017, challenging which the petitioner is before this Court.

3. Heard the petitioner-in-person, who submitted that the revisional Court ought to have issued the summons as prayed for by the petitioner under Section 91 Cr.P.C.

4. This Court gave its anxious consideration to the submission of the party-in-person.

5. The fact remains that the private complaint has been dismissed by the trial Judge at the threshold under Section 203 Cr.P.C. Challenging the illegality and propriety of the said order, the petitioner has invoked the revisional jurisdiction of the Sessions Court under Section 397 Cr.P.C. Therefore, the jurisdiction of the Sessions Court is only to decide the illegality and propriety of the order passed by the Magistrate and nothing more. Admittedly, the Executive Officer had not assaulted the petitioner. Therefore, he ought not to have been made as the 15th accused in the private complaint itself. Under such circumstances, this Court does not find any infirmity in the order passed by the Sessions Court warranting interference by this Court in exercise of its powers under Section 482 Cr.P.C.

Accordingly, this petition is dismissed. Consequently,
connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Executive Officer
Hindu Religious and Charitable Endowment Board
Attur 636 102.

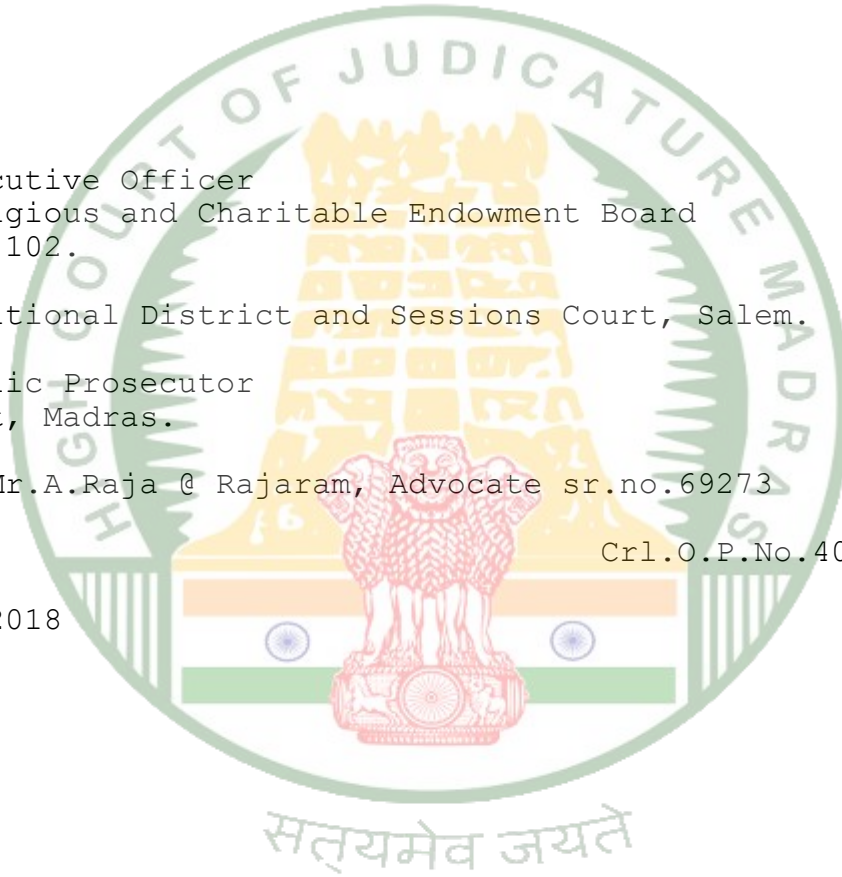
2.III Additional District and Sessions Court, Salem.

3.The Public Prosecutor
High Court, Madras.

+1cc to Mr.A.Raja @ Rajaram, Advocate sr.no.69273

Cr1.O.P.No.4026 of 2018

nr 25/10/2018



WEB COPY