

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Criminal Revision No.1329 of 2014

Natarajan

.. Petitioner/Accused

Vs

State by
Station House Officer,
Katterikuppam Police Station,
Puducherry.
Crime No.123 of 2008.
Respondent/Complainant

..

Prayer:- Criminal Revision filed under Sections 397 r/w 401 Cr.P.C., to call for the records and set aside the order dated 03.09.2014 made in CrI.M.P.No.4053 of 2014 in C.C.No.583 of 2008 on the file of the learned Judicial Magistrate No.I, Puducherry and allow the revision petition.

For Petitioner : Mr.M.Palanivel

For Respondent : M/s.S.Devie,

GA [Pondicherry]

O R D E R

The present criminal revision has been filed to set aside the order dated 03.09.2014 made in CrI.M.P.No.4053 of 2014 in C.C.No.583 of 2008 on the file of the learned Judicial Magistrate No.I, Puducherry and allow the revision petition.

2.The facts leading to the filing of this revision are as follows:-

On 14.09.2008 at about 8.45 hours, one Damodaran residing at Hospital Road, Katterikuppam negligently allowed one Natarajan, who is residing at No.17-A, Vanoli Street, Katterikuppam at Ramamurthy, Reddiyar's Land, Katterikuppam, without taking safety measure to trim teak wood branches and thereby he got electric shock and died. Hence, one Sagadevan @ Paramasivam,

the brother of the deceased, lodged a complaint before the Sub Inspector of Police, Katterikuppam Police Station, Puducherry. On receipt of the said complaint, the Sub Inspector of Police, Katterikuppam Police Station, Puducherry after completing the investigation, filed a charge sheet under Section 304(A) IPC before the learned Judicial Magistrate No.I, Puducherry in C.C.No.583 of 2008.

3.At that time, the petitioner filed a petition under Section 239 Cr.P.C. The learned Judicial Magistrate No.I, Puducherry, after elaborately discussing the facts and circumstances of the case and after considering the arguments advanced by the learned counsel on either side, held that charge sheet has been filed under Section 304(A) IPC and in this case, the accused was questioned under Section 251 Cr.P.C and pending for trial. The learned Magistrate has further held that it is a summons case and the provision under Section 239 Cr.P.C related only to warrant cases. Hence, the learned Magistrate dismissed the petition stating that the provision under Section 239 Cr.P.C. could not be made applicable to this case.

4.Admittedly, the offence is under Section 304(A) IPC and it is a summons case. Therefore, there is no necessity to frame the charge in the summons case. Under such circumstances, this Court is not inclined to interfere with the impugned order passed by the learned Judicial Magistrate and there is no merit in the civil revision petition.

In the result, the Criminal Revision fails and accordingly, the same is dismissed. The order passed in CrI.M.P.No.4053 of 2014 in C.C.No.583 of 2008 dated 03.09.2014 on the file of the learned Judicial Magistrate No.I, Puducherry is hereby confirmed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Puducherry.

2.-do-Throuh The Chief Judicial Magistrate,
Pudycherry.

3.Station House Officer,
Katterikuppam Police Station,
Puducherry.

4.The Public Prosecutor,
Puducherry.

+lcc to the Government Pleader Cum-Public Prosecutor for
Pondicherry, S.R.No.57457

Cr1.R.C.No.1329 of 2014

VD(CO)
GSP(18/09/2018)



WEB COPY