

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.08.2018
CORAM :
THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN
Crl.R.C.No.127 of 2011

K.Ponnusamy

...Petitioner/Complainant

..Vs..

1.P.Selvakumar

2.Premalatha

3.Ramesh@Pathmanabhan

...Respondents/Accused 1 to 3

PRAYER: Criminal Revision filed under Section 397 read with 401 of the Criminal Procedure Code, to set aside the order passed by the learned Judicial Magistrate No.I, Erode in C.M.P.No.12390 of 2010 dated 06.12.2010.

For Petitioner : Mr.C.S.Saravanan

For R1 & R2 : Mr.B.Kumarasamy

O R D E R

Heard both sides.

2. The revision has been filed against the order passed in Crl.M.P.No.12390 of 2010, dated 06.12.2010, wherein the learned Magistrate refused to take up the private complaint filed under Section 200 of Cr.P.C

3. The petitioner herein has filed private complaint for the alleged offences under Sections 420, 406 and 506 (ii) I.P.C.

4. The learned counsel for the petitioner has submitted that in support of the case, the P.W.1 Palanisamy was examined.

5. After going through the private complaint and evidence of P.W.1, the learned Judicial Magistrate has come to the conclusion that between the parties, namely the petitioner and the respondent, there is landlord-tenant relationship, which is still in existence and with there are arrears of rent for 47 months to the tune of Rs.1,17,500/- and the same is mentioned in the legal notice. After receipt of the legal notice, the third accused is alleged to have criminally intimidated the private complainant at Mettupalayam and after having observed so, the learned Magistrate has come to the conclusion that the alleged occurrence has taken place within the jurisdiction of the Magistrate Court at Mettupalayam, and hence, the learned Judicial Magistrate, Erode has no jurisdiction to try the offences under Sections 506(ii), 420 and 406 IPC, against A1 and

A2. There was no material to the said allegation. Furthermore, one Shakila was alleged to have been cheated by A1 and A2 and however the said Shakila was not examined on behalf of the petitioner and accordingly, the learned Magistrate rejected the complaint.

6. The learned counsel for the petitioner has submitted that no sufficient opportunity was given to adduce additional evidence and also stated that the trial Court has not taken into consideration the alleged intimidation over phone.

7. After going through the records and also taking note of the evidence of P.W.1, I find that there is a specific allegation against A1 and A2 having been cheated the said Shakila. However, she was not examined before the trial Court. Furthermore, for the alleged criminal intimidation, complaint was said to have been given at Metupalayam and hence, Court at Erode cannot take cognizance of the matter for want of territorial jurisdiction and accordingly, I do not find any error or illegality in the impugned order. Hence, the revision petition is dismissed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

nvi

To

The Judicial Magistrate No.I, Erode

+lcc to Mr.B.Kumarasamy, Advocate SR.NO.56615

SR.NO. (CO)

sm:24.9.2018

Cr1.R.C.No.127 of 2011

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