

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2018

Coram

THE HONOURABLE MR. JUSTICE P. VELMURUGAN

CRL. REVISION No.806 of 2013

M.Sudhakar

... Petitioner

Vs.

1. S. Charumathi
2. D. Paramandam
3. P. Vijayalakshmi
4. P. Vivekanandan
5. D.Sachidanandam
6. D. Shanmuganandam

... Respondents

Prayer: The Criminal Revision Case has been filed under Section 397(1) read with Section 401 of the Code of Criminal Procedure praying to set aside the order dated 13.05.2013 in Criminal M.P.No.2994 of 2012 in C.C.No..... of 2013 on the file of the learned Judicial Magistrate No.3, Vellore, Vellore District and consequently to condone the delay and to direct the complaint be numbered and taken on file.

For Petitioner : Mr.T.K.Rajkumar

For Respondents : Ms. K. Sumathi

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O R D E R

It is the case of the petitioner that the first respondent lodged a complaint before the Inspector of Police, All Women Police Station, for offence under Sections 498 A IPC. Based on the complaint filed by the first respondent, the police investigated the matter and filed charge sheet for the offences under Section 498 A, 323 IPC and Section 4 of Dowry Prohibition Act and Section 4 of Tamil Nadu Prevention of Harassment of Women Act. The petitioner faced trial and after trial, he was

acquitted from all charges. After acquittal, the petitioner filed a petition in C.M.P.No.2994 of 2012 to allow him to file the complaint against the respondents for making defamatory and derogatory remarks in the complaint and in the statement recorded under Section 161 Cr.P.C. and the said petition was filed with delay of 265 days. After hearing of both sides, the learned Judicial Magistrate No.3, Vellore dismissed the said petition, as against the said order, the petitioner filed the present revision.

2. According to the learned counsel for the petitioner, the petitioner was seriously prosecuting the suit before the trial Court and therefore, he could not file the present complaint. According to the learned counsel, arrest of the petitioner was published in newspapers and this has affected the reputation of the petitioner in this society. The trial Court acquitted, the petitioner thereby the acquisition made against him are false. Therefore, the learned counsel prays that an opportunity should be given to the petitioner to prosecute the respondents 1 to 6.

3. The learned counsel also brought to notice of this Court that the first respondent has received a sum of Rs.9,10,000/- from LIC without the knowledge of the petitioner. According to the learned counsel, the said amount was deposited by the petitioner in the name of his wife viz., first respondent.

4. Heard both sides and perused the records produced before this Court.

5. This Court is of the view that the petitioner has not given any sufficient reasons for the delay. Therefore, nothing prevented, the petitioner from filing parallel complaint against the respondents. In that event, both the complaints would not have investigated and tried together. Normally, length of the delay is not the issue, what is important is the reason assigned for such delay. In this case, the delay of 265 days has been occurred. The petitioner has not given any sufficient reasons for such delay and not explained with any valid reasons. The only reason stated that he was concentrating on a trial Court would not suffice. Therefore, in the absence of any sufficient reasons, the trial Court rightly dismissed the petition for delay.

6. This Court does not find any valid reason to interfere with the order passed by the lower Court. Hence, the revision is liable to be dismissed.

7. In the result, the Criminal Revision stands dismissed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

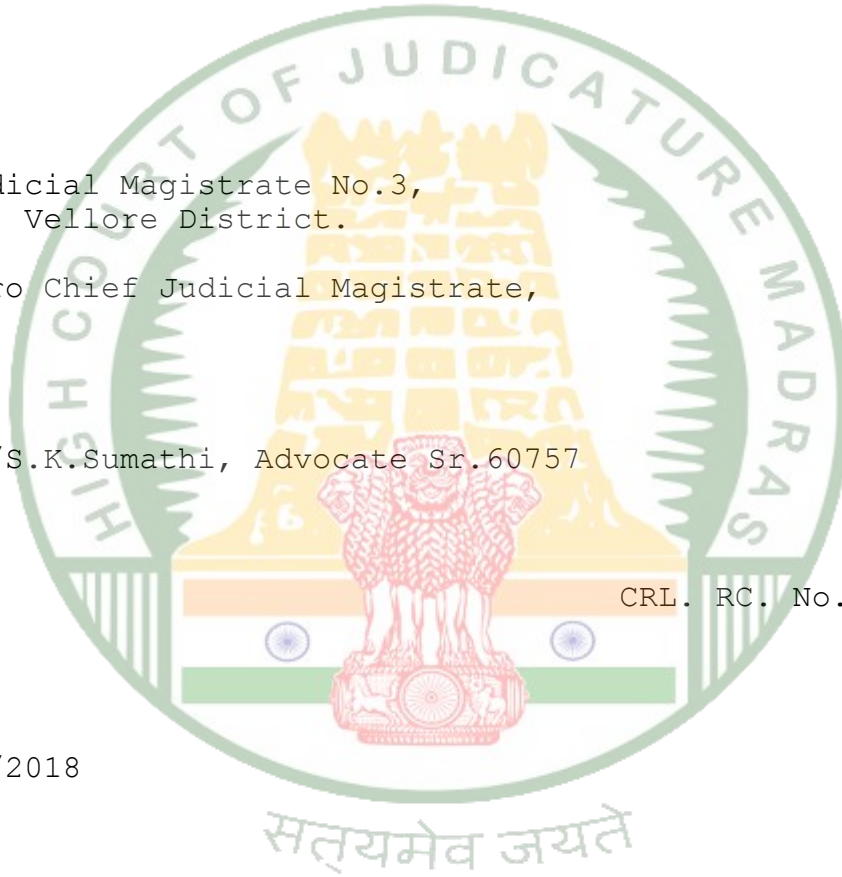
1.The Judicial Magistrate No.3,
Vellore, Vellore District.

2.-Do- Thro Chief Judicial Magistrate,
Vellore.

+lcc to M/S.K.Sumathi, Advocate Sr.60757

CRL. RC. No.806 of 2013

rsy[col]
srg 26/10/2018



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