



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2018

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE **P.N.PRAKASH**

**Cr1.R.C. (MD) No.4 of 2018**

Ramalingam

: Petitioner

Vs.

1.Kumar

2.Saminathan

3.Arumugam

4.Samantham

: Respondents

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of the Criminal Procedure Code praying to admit this revision on file, to call for the records from the Lower Courts and set aside the order in Cr.M.P.No.2309 of 2011 passed by the learned District Munsif -cum- Judicial Magistrate, Orathanadu, Thanjavur District, dated 16.09.2011.

For Petitioner : Mr.K.K.Ramakrishnan

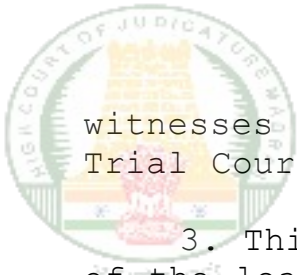
For Respondent No.1 : Mr.V.Balaji

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### **ORDER**

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The petitioner filed a private complaint, which was taken on file as Cr.M.P.No.2309 of 2011 by the learned District Munsif -cum- Judicial Magistrate, Orathanadu, Thanjavur District, against the respondents/accused herein. It is the case of the petitioner/complainant that the accused had taken away his wristwatch, 1<sup>1/4</sup> sovereigns of chain and cash of Rs.3,200/- from his house. Under Section 200 of the Code of Criminal Procedure, the petitioner examined himself as P.W.1 and two witnesses, viz., P.W.2 and P.W.3. After considering the evidence adduced by the petitioner, the Trial Court, by the impugned order dated 16.09.2011, dismissed the private complaint under Section 203 of the Code of Criminal Procedure, holding out that the petitioner had not made out a *prima facie* case for issuance of summons to the accused. Challenging the said order, the petitioner is before this Court.



witnesses in proper perspective and, therefore, the order of the Trial Court deserves to be interfered with.

3. This Court gave its anxious consideration to the submission of the learned counsel for the petitioner and perused the evidence of P.Ws.1 to 3.

4. On a perusal of the evidence of P.Ws.1 to 3, this Court is of the opinion that the complainant had not made out a *prima facie* case for taking cognizance of the alleged offences against the accused. In such view of the matter, the order passed by the Trial Court does not warrant interference.

5. In the result, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

The District Munsif -cum- Judicial Magistrate,  
Orathanadu,  
Thanjavur District.

+ 1 cc TO Mr.K.K.Ramakrishnan , Advocate in SR No. 40845

SML

AE/JC/SAR4/24.01.2018/2P/3C

Order made in  
**Cr1.R.C. (MD) No.4 of 2018**  
**Dated: 05.01.2018**