



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.09.2018
CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.R.C(MD)No.145 of 2014

S.Karuppan

: Petitioner

Vs.

1.Konakaruppan @ Piramban
2.Munichamy
3.Chellappandi
4.Ilayaraja
5.Srirangam
6.Mohand
7.Ponnamaravathi
8.Karuppusami
9.Muniyandi
10.Vasanthakumar
11.Karuppiyah
12.Jeyaraman
13.Muthaiah

: Respondents

PRAYER: Revision filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for the records pertaining to the order dated 18.10.2013 passed by the learned Judicial Magistrate, Melur in Cr.M.P.No.5368 of 2013 and set aside the same.

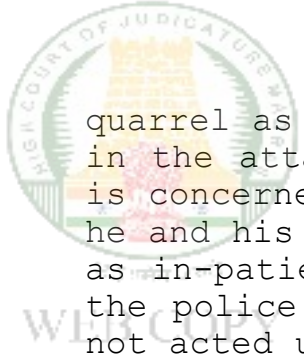
For Petitioner : Mr.D.Senthil
For R-1 to R-3,
R-5 to R-9
and R-11 to R-13 : Mr.A.John Vincent

ORDER

This Criminal Revision Case is filed against the order dated 18.10.2013 passed by the learned Judicial Magistrate, Melur in Cr.M.P.No.5368 of 2013.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondents 1 to 3, 5 to 9 and R-11 to R-13. Two of the respondents are not yet served, but however except those two respondents, others are represented by the counsel.

3.A perusal of the records indicates that on 02.04.2013, at Kidarippatti Village, Malur Taluk, Amman festival was conducted, in which there was some dispute between two community people, who to get the honour first. In such situation, there had been a wordy



quarrel as well as exchange of blows. Some of them sustained injury in the attack by weapon. As far as the revision petitioner herein is concerned, he was brutally attacked by the respondents herein and he and his brother were taken to Government Hospital. He was treated as in-patient for seven days and his brother for six days. Though the police came to record the statement in the hospital, they have not acted upon their complaint. Therefore, a private complaint under Section 156(3) Cr.P.C. was lodged.

4.The trial Court after recording the sworn statements of the complainant and one Manimurugan had dismissed the private complaint, recording that though there is an allegation made by the complainant that he was admitted in the hospital and the medical certificate was given for the same, he has not produced those documents. Hence, due to non-production of the evidence pertaining to their admission in the hospital and for taking treatment for the injury they sustained in the alleged occurrence, the Magistrate has dismissed the complaint filed under Section 153(3) Cr.P.C on 18.10.2013.

5.It is contented by the learned counsel for the revision petitioner that without proper consideration of the facts contained in the complaint, the trial Court has dismissed his complaint. The medical certificate is available and can be produced during trial if this Court order retrial.

6.A perusal of the records and scrutiny of the sworn statements of P.W.1 and P.W.2 clearly indicates that it is only a oral self-serving statement of the witnesses regarding injury and admission in the hospital, which is not corroborated with any medical record. When P.W.1 and P.W.2 were examined on oath, same was not produced. Belatedly now the revision petitioner seek an opportunity to produce documents. This request is belated and with intention to fill the hole in their case. Therefore, the trial Court has rightly dismissed the private complaint. There is no error in the order. Hence, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar(AD-I)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1.The Judicial Magistrate, Melur.

2.The Section Officer,
Criminal Section,

<https://hcservices.ecourts.gov.in/hcservices/>
Madurai Bench of Madras High Court,
Madurai. **(2 Copies)**



+1CC to Mr.D.Senthil, Advocate, SR.No.85563

+1CC to Mr.A.John Vincent, Advocate, SR.No. 85016

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18.09.2018

CP

ES/SKN/RSK/SAR 4/25.10.2018/3P/6C