



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 10.07.2018
DELIVERED ON : 31.07.2018

WEB COPY

CORAM :

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.R.C.(MD) No.350 of 2018 and
Crl.M.P.(MD)No.4850 of 2018

Justin Raj : Petitioner/Petitioner/Accused

vs.

The State,
Rep. by the Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
(Crime No.301 of 2012)

: Respondent/Respondent/Complainant

Prayer:- Criminal Revision Petition filed under Sections 397 r/w. 401 of the Code of Criminal Procedure, 1973, to call for the records in connection with the order passed by the learned Judicial Magistrate No.I, Kuzhithurai in Cr.M.P.No.1915 of 2016 in C.C.No.2 of 2016 dated 18.05.2018 and set aside the same.

For Petitioner : Mr.B.Christopher
For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. Side)

ORDER

Heard Mr.B.Christopher, learned counsel appearing for the petitioner and Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl. Side) appearing for the respondent.

2.This petition has been filed to set aside the order passed by the learned Judicial Magistrate No.I, Kuzhithurai in Cr.M.P.No.1915 of 2016 in C.C.No.2 of 2016 dated 18.05.2018.

3.The case of the petitioner is that the petitioner issued a paper publication on 25.05.2012 in Dinamalar tamil newspaper calling for the students to join the medical course and he is running a Medical College by name, Karunya Medical College of Electropathy and Hospital. A case was registered against the petitioner. The petitioner filed a petition in Cr.M.P.No.1915 of 2016 to discharge the petitioner from the charges under Section 420 of IPC and the petition which was dismissed by the learned Judicial Magistrate. Against the dismissal order passed by the



lower Court, the petitioner has come forward with this petition.

4. On the side of the petitioner, it is stated that the petitioner is having permission and licence to run a Homeopathy College and he is entitled to conduct courses as per N.E.H.M. of India wherein it is stated that the petitioner's College was authorised by the Ministry of Health and F.W., Govt of India to run a medical institution for imparting medical education of BEMS 4 ½ years, M.D.(E.H.) Course and D.E.H.M. Diploma course. He got permission to conduct BEMS course, M.D.(E.H.) course and D.E.H.M. Diploma course. He has obtained World Accrediting & Licensing Association of Independent Natural Science Schools, Colleges, Professions & Arts. He got approval in the year 2010 itself and the Hon'ble Apex Court has held that there is no bar for conducting electro homeopathy course.

5. On the side of the respondent, it is stated that the learned Judicial Magistrate has dismissed the petition as there is *prima facie* case made out against the petitioner. From the direction of the District Collector, the Superintendent of Police conducted enquiry and found that the petitioner have given advertisement as if he is running a Medical College. But he is entitled to run only a Medical Research Centre. Just to cheat the public, the petitioner has given advertisement in the newspaper as if he is running a Medical College. It is the duty of the learned Magistrate to frame the charges, if *prima facie* case is made out. The victim gave a complaint and after investigation, charge sheet is filed and was taken on file in C.C.No.2 of 2016 and prayed to dismiss the petition.

6. Records perused. Whether the petitioner is having the licence to run the Medical Institution and whether the licence is valid can be decided only after the trial. The complainant lodged a complaint against the petitioner and it is stated that the petitioner has given some misleading advertisement in the newspaper. The copy of the advertisement is also filed. So many courses are offered in the advertisement and whether the petitioner is having licence to run all the Course can be decided only after the completion of the trial of the case. On the face of the record, there seems to be *prima facie* case made out against the petitioner. In this circumstances, there is nothing on record to interfere the order passed by the trial Court and this Criminal Revision Case is dismissed. Consequently, CrI.M.P.(MD)No.4850 of 2018 is closed.

Sd/-

Assistant Registrar (CrI.side)

/True Copy/



To

1. The Judicial Magistrate No.I,
Kuzhithurai.
2. The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.B.CHRISTOPHER, ADVOCATE IN SR No. 75838

MRN

TE/RP/SAR-3 : 13/08/2018 : 3P/5C

Cr1.R.C.(MD) No.350 of 2018
31.07.2018