



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2018

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WEB COPY

THE HON'BLE DR.JUSTICE G.JAYACHANDRANCrl.R.C.(MD) No.12 of 2013

Sathasivam

...Petitioner/Petitioner

Vs.

1.Murugan
2.Karuppiah
3.K.Govinthan
4.Ramanathan
5.Gnana Prakasam
6.A.Muthulingam
7.Rajapandi
8.Muthulingam
9.Karuppiah
10.Sathaiah
11.Shanmugavel
12.Chokkar
13.Shanmugavel

...Respondents / Accused

PRAYER:Criminal Revision Petition - filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records of C.C.No.149 of 2010 dated 19.10.2012 on the file of the Judicial Magistrate Court, Mudukulathur, Ramanathapuram District and set aside the same.

For Petitioner : No Appearance

For RR1 to 7,

9 to 13

: Mr.T.Lajapathi Roy

For R8

: No Appearance

ORDER

The learned counsel for the petitioner reports no instructions. The learned counsel for the respondents 1 to 7 and 9 to 13 is present. Records perused.

2. This revision petition is directed against the dismissal of the private complaint initiated by the revision petitioner herein in C.C.No.149 of 2010 on the file of the learned Judicial Magistrate, Mudukulathur, Ramanathapuram District.

3. The learned Judicial Magistrate, Mudukulathur, Ramanathapuram District, after perusing the private complaint alleging that the human rights violation made by the respondents



herein and the statements of the witnesses, has dismissed the complaint stating that it is an abuse of process of law, since the Sessions Court has already taken note of the similar complaint alleging excommunication of the petitioner herein and dismissed as not proved. Aggrieved by the same, the present Criminal Revision Petition has been filed on the ground that the learned Judicial Magistrate has assigned no reason for dismissing the private complaint. When there is an offence under the provisions of Protection of Civil Rights Act, 1955 committed by the respondents, the Magistrate ought not to have discharged the accused persons. Without considering the provisions of the said Act, the statements of the witnesses and without assigning any reason, the trial Court has dismissed the private complaint. Hence the criminal revision case.

4. The learned counsel for the respondents would submit that the complaint of alleged excommunication of the petitioner herein, which is identical to the present private complaint, was lodged before the District Sessions Court, Ramanathapuram and was dismissed on 22.06.2005. Considering the dismissal order given by the District Sessions Court, Ramanathapuram, the Judicial Magistrate Court, Mudukulathur, dismissed the complaint of the petitioner in C.C.No.149 of 2010 filed for the very same cause of action. Hence the trial Court has rightly dismissed the complaint and discharged the accused persons.

5. Considering the points raised in the revision petition and the statement of the witnesses, this Court is of the view that there is no necessity to exercise its revisional jurisdiction in this case. Since the issue of excommunication of the petitioner herein has already been settled by the Session Court, Ramanathapuram, for the very same cause of action, the private complaint is not maintainable. Therefore, there is no illegality in the order of the Judicial Magistrate Court, Ramanathapuram. Hence this Criminal Revision Petition is dismissed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

1. The Judicial Magistrate Court,
Mudukulathur, Ramanathapuram District

Crl.R.C.(MD) No.12 of 2013

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