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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2019

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.R.C.No.1245 of 2012

THE FRIEND-IN-NEED SOCIETY

Rep. By its Hon.President

Mr.H.E. Willins

29, Poonamallee High Road

Chennai - 600 003

... Petitioner/Complainant

Vs

1.Dr.G.K.Francis

2.Mr.J.W.Francis

3.Mr.I.D.Francis

4.Mrs.Mary Murray

... Respondent/Accused

Criminal Revision preferred under Section 397 and 401 Cr.P.C. against the order dated 27.06.2012 passed in C.A.No.83 of 2011 by the III Additional Sessions Judge, Chennai setting aside the order dated 07.03.2011 passed in C.C.No.6777 of 2006 by the learned II Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.N.D.Bahety

For Respondents: Mr.Adrian D.Rozario for R1 and R3

O R D E R

This Criminal Revision has been preferred challenging the judgment and order dated 27.06.2012 passed by the III Additional Sessions Judge, Chennai in C.A.No.83 of 2011 setting aside the order dated 07.03.2011 passed by the II Metropolitan Magistrate, Egmore, Chennai in C.C.No.6777 of 2006.

2. Alleging that the accused in this case had defamed the complainant by addressing and circulating a letter dated 07.05.2004 (Ex.P2), a prosecution for the offence under Section 499 r/w.500 IPC was launched in C.C.No.6777 of 2006 before the II Metropolitan Magistrate, Egmore, Chennai, in which, after a full-fledged trial, the accused were convicted on 07.03.2011 and sentenced to pay a fine of Rs.5000/- , in default to undergo two



months simple imprisonment. The appeal in C.A.No.83 of 2011, that was filed by the four convicted accused, was allowed on 27.06.2012 by the III Additional Sessions Court, Chennai. Aggrieved by the order of acquittal, the complainant has preferred the present revision petition.

3. It appears that during the pendency of the revision petition, J.W.Francis (A2) passed away. The whereabouts of Mary Murray (A4) is not known and therefore, notice is still unserved on her. During the hearing of this case, this Court expressed its opinion that the acquittal by the Appellate Court may require interference. Therefore, the respondents Dr.G.K.Francis (A1) and I.D.Francis (A3) came forward to render an unconditional apology to the complainant so as to put the matter to rest.

4. Today, Dr.G.K.Francis (A1), I.D.Francis (A3) and Mr.H.E. Willins, (representing the Friends-in-Need Society and who was the complainant in the trial Court), are present. Dr.G.K.Francis (A1) and I.D.Francis (A3) have filed two individual affidavits dated 25.11.2019 containing identical averments. Suffice it to extract Paragraphs 2, 3 and 4 of the affidavit:

"2.I respectfully state that the letter dated 7.5.2004 in Ex.P-2 to the President of the petitioner Society is bona fide and not with the intention of harming the reputation of anyone. It was only to provide some of our views to help poor Anglo-Indian inmates of the Society in the twilight of their lives.

3.I further state that, in case the aforesaid letter has hurt anyone, I hereby tender my unconditional apology for the same.

4. This my affidavit is true, it conceals nothing and no part of it is false."

5. Mr.H.E. Willins, who was present in the Court stated that he gladly accepts the apology as a true Christian.

Recording the same, this revision petition stand dismissed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar



gpa

To

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1. The III Additional Sessions Judge,
Chennai.
- 2.-Do-Thro Principal Sessions Judge,
Chennai.
3. The II Metropolitan Magistrate,
Egmore, Chennai.
- 4.-Do- Thro The Chief Metropolitan Magistrate,
Egmore, Chennai.

+1cc to Mr.N.D.Bahety, Advocate Sr.98784
+2cc to Mr.Adrian D.Rozario, Advocate Sr.98573

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srg 09/01/2020