

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Cr1.RC.No.1535 of 2013

Sajjanraj Kothari

...Petitioner

/Respondent/ Complainant

Vs.

1. Mahavir Kothari

2. Sujatha Kothari

...Respondents

/Petitioners/ Accused

Prayer: - The Criminal Revision Case is filed under Section 397 read with 401 of Code of Criminal Procedure, to call for the records in CMP.No.119 of 2005 in C.C.No.537 of 2004, dated 06.05.2005, on the file of the learned Judicial Magistrate-I, Poonamallee and to set aside the same.

For Petitioner : Mr.S.Rajamani - No appearance

For Respondents : Notice not served

O R D E R

This revision case has been filed to set aside the order in CMP.No.119 of 2005 in C.C.No.537 of 2004, dated 06.05.2005, on the file of the learned Judicial Magistrate-I, Poonamallee.

2 A private complaint under Section 200 Cr.P.C. lodged by the complainant, against the respondents/accused before the learned Judicial Magistrate-I, Poonamallee for the offences under Section 182, 211 read with 120(B) IPC and the same was taken on file in C.C.No.537 of 2004. During pendency of C.C., the respondents/accused have filed a petition under Section 258 Cr.P.C., in C.M.P.No.119 of 2005 in C.C.No.537 of 2004 before the learned Judicial Magistrate-I, Poonamallee for discharging them from the above said offences. After an elaborate enquiry, the learned Magistrate, allowed the discharge petition by discharging both the accused from the above said offences.

3 Challenging the order passed by the learned Judicial Magistrate No.I, Poonamallee, in C.M.P.No.119 of 2005 in

C.C.No.537 of 2004, dated 06.05.2005, the petitioner/complainant has filed the present revision before this Court.

4 Despite giving sufficient opportunities, there is no representation on behalf of the petitioner. This revision case is pending from 2013, till date, the learned counsel for the petitioner has not served notice to the respondent. Therefore, this Court is inclined to dispose of the revision on merits in accordance with law.

5 On reading of the entire materials, the revision petitioner/complainant filed a private complaint under Section 200 Cr.P.C. against the respondents for the offences under Section 182, 211 read with 120(B) IPC, before the learned Judicial Magistrate No.I, Poonamallee. After hearing the arguments on either side and found that there is no prima facie case made out against the respondents herein. Therefore, the petition was dismissed.

6 On a reading of the entire materials, this Court finds that there is no merits in the revision. Therefore, this Court is inclined to dismiss the revision.

7 Accordingly, this Criminal Revision is dismissed and the order passed in CMP.No.119 of 2005 in C.C.No.537 of 2004, dated 06.05.2005, on the file of the learned Judicial Magistrate-I, Poonamallee, is hereby confirmed.

rli

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate-I,
Poonamallee

Copy to:-

The Chief Judicial Magistrate,
Tiruvallur.

Cr1.RC.No.1535 of 2013

Kak(28/09/2019)