



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 17.06.2019
Pronounced on : 13.09.2019

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CORAM

THE HONOURABLE JUSTICE MRS.T.KRISHNAVALLI

CRL.RC(MD) No. 220 of 2014

S.Ramakrishnan : Petitioner/De-facto

Complainant

Vs

1.Angeswaran,
Special Sub Inspector,
Setthur Rural Police Station,
Rajapalayam.

2.Balamurugan,
Special Sub Inspector,
Setthur Rural Police Station,
Rajapalayam.

3.Ganapathi,
Special Sub Inspector,
Settur Rural Police Station,
Rajapalayam.

: Respondents/A1 to A3

Prayer: This Criminal Revision has been filed under Section 397 r/w 401 of the Criminal Procedure Code against the order, dated 30.01.2014 passed by the Judicial Magistrate, Rajapalayam, in PRC No.29 of 2012 set aside the same and allow this petition.

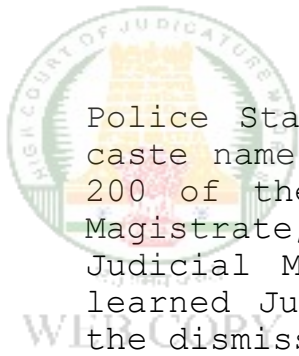
For Petitioner : Mr.G.Ramanathan

For Respondents : Mr.P.T.Thiraviam

O R D E R

This criminal revision is directed against the order, dated 30.01.2014 passed by the Judicial Magistrate, Rajapalayam, in PRC No.29 of 2012.

2.The respondents are working as Special Sub Inspector of Police in Rajapalayam Police Station and the petitioner is also residing in that area. When the petitioner went to the concerned



Police Station, the respondents used filthy language by using his caste name. The petitioner filed a private complaint under Section 200 of the Code of Criminal Procedure before the Chief Judicial Magistrate, Srivilliputhur. The said complaint was forwarded to the Judicial Magistrate, Rajapalayam, for enquiry. After enquiry, the learned Judicial Magistrate dismissed the complaint. Aggrieved by the dismissal order, the petitioner is before this court.

3. Heard both sides and perused the materials available on record.

4. The petitioner states that only the petitioner took steps to examine the witnesses and no reasonable opportunity was given to the petitioner to prove his case and prima facie case made out and the Advocate Clerk did not inform the date of hearing to the petitioner and hence, the petitioner could not attend the court on the date of hearing and prays that the criminal revision has to be allowed.

5. On the side of the petitioner, one witness was examined and the petitioner seeks time to examine another witness. For proving his case, it is necessary to examine the witnesses stated in the petition. But the trial court without giving reasonable opportunity dismissed the petition. Only after examining the witness and production of the documents, it has to be decided whether prima facie case is made out or not? But in this case the petitioner has to examine another witness. Hence, without examining all the witness, the trial court came to the conclusion that no prima facie case is made out, which is not at all acceptable.

6. The reasons stated in the petition are acceptable. Hence, in the interest of justice, the petitioner should be given an opportunity to prove his case by examining another witnesses.

7. In view of the above facts, the order passed by the trial court is liable to be set aside.

8. In the result, this criminal revision is allowed and the impugned order passed by the trial court is set aside. The case is remitted back to the trial court for fresh disposal, on merits and in accordance with law, after giving reasonable opportunity to the parties concerned and dispose of the case within a period of three months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar (CS)



smn/er
To

The Judicial Magistrate,
Rajapalayam.

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KK/SAR/25.11.2019/3P-2C/