



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.19062 of 2015

and

M.P. (MD)No.1 of 2015

WEB COPY

1.M/s.Sun Agro Chemical Industries,
No.186-3A, Periyar Nagar Road,
Avaniyapuram,
Madurai - 625 012.

2.Amuthan

3.P.Chandran ... Petitioners/Petitioners - Accused

Vs.

Thiru.K.Ramaraj, Bsc., (Agri.),
Agricultural Officer,
(Plant Protection)
Office of the Assistant Director of Agriculture,
Auntipatty - 625 512,
Theni District.

... Respondent/Respondent - Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to set aside the order dated 03.06.2015, passed in Crl.R.P.NO.12 of 2014, on the file of the Principal Sessions Judge, Theni.

For Petitioners : Mrs.P.Jessi Jeeva Priya
for Mr.G.Aravindhan

For Respondent : Mr.A.Robinson
Govt. Advocate (Crl.Side)

O R D E R

The petitioners are facing trial in S.T.C.No.130 of 2007, on the file of the learned District Munsif Cum Judicial Magistrate, Andipatty. The petitioners herein filed Crl.M.P.1079 of 2010, for discharging them from the proceedings. It was dismissed on 04.10.2013. Challenging the same, the petitioner filed Crl.R.P.No.12 of 2014 before the learned Principal Sessions Judge, Theni. It was dismissed for default on 03.06.2015. challenging the same, this criminal original petition has been filed.



2.The learned counsel for the petitioners states that the criminal revision petition filed by the petitioners herein could not have been dismissed for default and only a disposal on merits could have been given.

3.I am not impressed by the said submission. I wanted to know under which provision of law an application of discharge was filed by the petitioners herein. No such provision has been cited. S.T.C.No.130 of 2007, on the file of District Munsif Cum Judicial Magistrate, Andipatty, is in the nature of private complaint. It is tried as summons case. Therefore, question of filing of discharge application in such a case will not arise. The very petition filed by the petitioners is not maintainable. Therefore, I need not go into the question as to whether the revision petition could have dismissed for default or not. There is no merit in this criminal original petition and same stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar()

/TRUE COPY/

Sub Assistant Registrar

To:

1.The Principal Sessions Court,
Theni.

2.The Agricultural Officer,
(Plant Protection)
Office of the Assistant Director of Agriculture,
Auntipatty - 625 512, Theni District.

+1 CC to M/s.P.JESSI JEEVA PRIYA, Advocate (SR-86194[F] dated
10/09/2019)

**Crl.O.P. (MD)No.19062 of
2015
10.09.2019
(2/3)**

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JM/03.10.2019/2P/4C