

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.02.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.R.C.No.1443 of 2013

K.K.Kulothungan

.. Petitioner/Complainant

Vs

1.Kamalanathan
Sub Inspector of Police
C.S.C.I.D.
Krishnagiri
Krishnagiri District

2.Tamilvanan
Inspector of Police
C.S.C.I.D.
Krishnagiri
Krishnagiri District

3.Chinnavan
Constable
C.S.C.I.D.
Krishnagiri
Krishnagiri District

.. Respondents/A1 to A3

Criminal Revision preferred under Section 397 and 401 Cr.P.C. to set aside the order dated 25.09.2013 passed by the Judicial Magistrate No.I, Krishnagiri in C.C.Diary No.4211 of 2013 filed under Section 190(1)(a) read with 200 Cr.P.C., under 203 of Cr.P.C.

For Petitioner : Mr.P.Mani

For Respondents : No appearance

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O R D E R

The petitioner filed a private complaint before the Judicial Magistrate No.I, Krishnagiri, against one Kamalanathan, Sub Inspector of Police, Tamivanan, Inspector of Police and Chinnavan, Constable (all attached to the Civil Supplies C.I.D.) alleging that on 07.06.2013, they came to his flour mill and in the guise of conducting search, assaulted him and took away some

of his equipments. He has further stated in the complaint that on 13.06.2016, he got himself admitted in the hospital for the injuries sustained by him on 07.06.2013. This complaint was taken on file as D.No.4211 of 2013 and the sworn statement of the complainant was recorded, after which, the learned Magistrate dismissed the complaint under Section 203 Cr.P.C. on 25.09.2013. Aggrieved by that, the petitioner has filed present criminal revision.

2.Though notice has been served on the respondents, they have not entered appearance.

3.Heard Mr.P.Mani, learned counsel for the petitioner, who submitted that the trial Court has passed a non-speaking order and that, the trial Court had not given any opportunity to the petitioner to produce his witnesses. In support of this contention, he placed strong reliance on the following judgments :

i. Maitrey Buddha Vihar Prabhandhak Vs. Anokhey Lal Kardam (C.A.No.52 of 2012 decided by the Delhi District Court on 22.02.2013)

ii. P.Balamurali Vs. Citi Corp. Finance Private Ltd. and Others (Crl.R.C.No.274 of 2018 decided by this Court on 01.03.2018)

4.This Court perused the complaint and the impugned order passed by the trial Court.

5.In the complaint, the petitioner has stated that he runs a flour mill. On 07.06.2013, the accused who were attached to the Civil Supplies C.I.D. came to his mill, abused him, assaulted him in the presence of his mother, wife and brother and took away some articles belonging to him. He has further stated that he got admitted in the hospital on 13.06.2013 and on the same day, he gave a complaint to the Inspector of Police, Kaveripatti Police Station, but no avail.

6.On a careful perusal of the records, it appears that the Civil Supplies C.I.D. police had raided the flour mill of the petitioner and they seem to have registered an F.I.R. against him. According to the petitioner, he was assaulted on 07.06.2013, for which, he got admitted himself in the hospital on 13.06.2013. That apart, he has stated that he sent complaints to higher officials on 24.07.2013. All these aspects have been borne in mind by the trial Court to hold that there was no prima facie case in the complaint.

7. With regard to the finding returned by the trial Court that the petitioner has not examined any other witness, though he has stated in the complaint that the incident was witnessed by his wife, mother, brother and children, Mr. Mani contended that the trial Court had not given any opportunity for that. The fact remains that the trial Court had recorded the sworn statement of the petitioner and on that day, nothing prevented the petitioner from examining other witnesses or seeking adjournment on the ground of producing further witnesses.

In fine, this Court does not find any infirmity in the order passed by the trial Court, warranting interference and this criminal revision stands dismissed.

Sd/-

Assistant Registrar (CS-VI)

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Sub Assistant Registrar

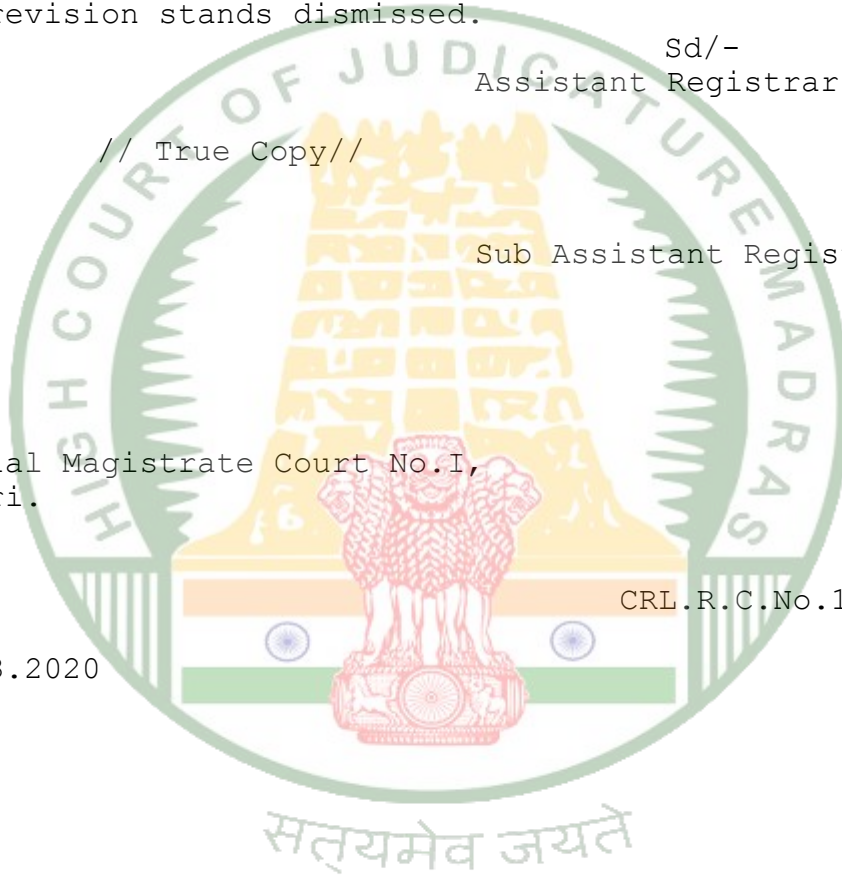
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To

The Judicial Magistrate Court No. I,
Krishnagiri.

CRL.R.C.No.1443 of 2013

RSV (CO)
CSR: 17.03.2020



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