



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 24.01.2020

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.RC(MD)No.762 of 2019

Packiyamuthu : Petitioner/Complainant

Vs.

1.Venkatesan

2.Cutralam

3.Kasi

4.Santhanapandian

: Respondents/Accused

Prayer: Criminal Revision filed under section 397 r/w 401 of the Code of the Criminal Procedure against the order made in Crl.MP No.1607 of 2017 on the file of the Judicial Magistrate, Sankarankovil, Tirunelveli District, dated 03.12.2018.

For Petitioner : Mr.J.Sankara Pandian

For Respondent : Mr.K.Prabhu

J U D G M E N T

This criminal revision is directed against the order made in Crl.MP No.1607 of 2017 on the file of the Judicial Magistrate, Sankarankovil, Tirunelveli District, dated 03.12.2018.

2.The petitioner filed petition under section 200 of the Code of the Criminal Procedure before the Judicial Magistrate, Sankarankovil, in Crl.MP No.1607 of 2017 alleging that he lend loan of Rs.3,00,000/- to the 1st accused on execution of a cheque on 01.07.2011 and on demand, the 1st accused threatened him and abused him thereby committed the offence under section 3(1)(x) of SC/ST Act. The trial court dismissed the petition holding that there is no prima facie case made out against the accused. Aggrieved by the said order, the petitioner is before this court.

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

4.The petitioner filed petition under section 156(3) of the Criminal Procedure Code and the trial court ordered the respondent police to register the case. But the respondent police conducted enquiry and advised the petitioner/complainant and the respondents/accused to get relief before the civil court in respect of the money transaction. Hence, this petition was filed by the complainant under section 200 of the Criminal Procedure Code.



5.The petitioner states that he examined three witnesses and marked some documents. On perusal of the order passed by the learned Judicial Magistrate, he did not discuss about the evidence of witnesses as well as the documents marked. Hence, it is held that no proper enquiry was conducted by the trial court. The reasons stated by the court below for dismissing the private complaint is not reasonable. Hence, it is necessary to interfere into the findings given by the trial court.

6.For the reasons stated above, this court is of the considered view that the impugned order passed by the trial court is liable to be set aside and the learned trial court is directed to dispose of the petition Crl.MP No.1607 of 2017 afresh without observation made by this court.

7.In the result, this criminal revision is **allowed**. The impugned order, dated 03.12.2018 passed by the Judicial Magistrate, Sankarankovil is set aside. The learned Judicial Magistrate is directed to dispose of the petition Crl.MP No.1607 of 2017 afresh purely on merits and in accordance with law, without any observation made by this court, within a period of four weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate,
Sankarankovil.

+1 CC to Mr.S.PALANI VELAYUTHAM, Advocate (SR-2914[F] dated 24/01/2020)

+1 CC to Mr.K.PRABHU, Advocate (SR-3012[F] dated 24/01/2020)

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MK (05.02.2020) 2P 4C