



WEB COPY

- return of the amount from her.
- (5) Alleging that this particular act of the petitioner/accused amounts to mental cruelty and also alleging that her jewels have been taken away by the petitioner herein unauthorisedly and that he had also taken advantage of such jewels by borrowing loans, the 2nd respondent / defacto complainant had given a complaint to the 1st respondent / Inspector of Police, All Women Police Station [West], Coimbatore, alleging offences as stated, u/s.498-A, 406, 506[i] IPC. Crime No.2/2011 had been registered on the basis of such a complaint.
 - (6) Heard Ms.R.T.Shyamala, learned counsel for the petitioner and Mr.E.Raj Thilak, learned Additional Public Prosecutor appearing for the 1st respondent.
 - (7) It is the contention of the learned counsel for the petitioner that the petitioner had left the matrimonial house, even according to the 2nd respondent/defacto complainant, in July 2010 and thereafter, the complaint was lodged only in January 2011.
 - (8) It is also stated that the house had been purchased jointly by both the petitioner and the 2nd respondent and had also been mortgaged with the Bank. The property had been sold on 29.03.2012 jointly by the petitioner and the 2nd respondent herein and after settling the loan amount, the balance amount was shared between the petitioner and the 2nd respondent. It is therefore, stated by the learned counsel that the allegation that 100 sovereigns of jewels were taken away, is entirely false and not correct.
 - (9) Learned Additional Public Prosecutor however states that these are facts which are to be tested during the course of trial.
 - (10) Having given my anxious consideration to the arguments advances, I am of the opinion that it would only be appropriate that the parties are reverted back to the Trial Court. Let the 2nd respondent graze the witness box and state the allegations given by her in the complaint on oath before the Trial Court.
 - (11) I am also informed that the 1st respondent police has been given a letter by the 2nd respondent that she is not willing to prosecute the case any further.
 - (12) At any rate, a duty is cast upon the 2nd respondent to enter into the witness box and tender evidence. Such evidence can be tested during cross examination by the petitioner herein.
 - (13) The learned counsel for the petitioner also stated that the petitioner is bedridden owing to various medical ailments.
 - (14) If necessary, appropriate application along with the medical records be filed by the petitioner/accused seeking exemption from appearing before the Trial Court. I am



confident that the learned Judicial Magistrate No.1, Coimbatore, would deal with it in an appropriate manner.

(15) An obligation is placed on the learned Judicial Magistrate No.1, Coimbatore, to dispose of CC.No.105/2011 on or before 31.01.2022.

(16) If the 2nd respondent/defacto complainant does not enter into the witness box or does not depose in accordance with the statements made in the complaint, an appropriate decision may be taken by the learned Judicial Magistrate No.1, Coimbatore.

(17) With the above observations, the Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

AP

To

1.The Judicial Magistrate No.1,
Coimbatore.

2.-do-Thro' The Chief Judicial Magistrate,
Coimbatore.

3.The Inspector of Police,
All Women Police Station West,
Coimbatore.

4.The Public Prosecutor
High Court, Chennai.

+1cc to Ms.R.T.Shyamala, Advocate, S.R.No.53606

Cr1.OP.No.20599/2015

GJ(CO)
CB(02/11/2021)