



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2021

CORAM:

THE HON'BLE Ms.JUSTICE R.N.MANJULA

Cr1.R.C.No.157 of 2016

V.Balagurusamy ... Petitioner

Vs.

1.E.Vedhavanam
2.Pinki ... Respondents

Criminal Revision filed under Sections 397 r/w 401 Cr.P.C., praying to call for the records in Cr1.M.P.No.858 of 2015 on the file of the Learned Metropolitan Magistrate No.X, Allikulam, Chennai-600 003 and set-aside the order dated 21.08.2015 and direct the Learned Metropolitan Magistrate No.X, Allikulam, Chennai-600 003 to take the complaint on file.

For Petitioner : Mr.R.Ganesh Kumar

For respondents: Mr.Ramachandran Baskar
for M/s.Ram & Ram

O R D E R

This Criminal Revision has been filed challenging the order of the learned X Metropolitan Magistrate dated 21.08.2015 in Cr1.M.P.No.858 of 2015.

2. The impugned order has been passed on the complaint filed by the revision petitioner for taking action against the respondents for the offences under Sections 193, 200 and 209 of IPC. The complaint has been filed under Section 200 and 340 of Cr.P.C. On consideration, the learned Magistrate has chosen to dismiss the complaint.

3. The learned counsel for the respondents submitted that any order passed under Section 340 of Cr.P.C is appealable as per Section 341 of Cr.P.C and it is wrong on the part of the petitioner to challenge the impugned order by filing this revision.



4. The learned counsel for the petitioner submitted that the learned Magistrate has chosen to dismiss the petition under Section 203 of Cr.P.C and hence, the revision is maintainable.

5. It is not in dispute that the petition was filed under Section 340 Cr.P.C. Just because the learned Magistrate omitted to mention Section 340 of Cr.P.C in the result portion, that will not categorise the order under Section 203 Cr.P.C alone.

6. The petitioner knows for what purpose he has filed the complaint by invoking 340 Cr.P.C. It is alleged by the petitioner that the respondents had given false evidence before the Court and hence, penal action should be taken against them. The order in which the said prayer was dismissed could also be only under Section 340 Cr.P.C. And for which, the appeal remedy is available under Section 341 of Cr.P.C. Hence, this Criminal Revision Case is not maintainable before this Court.

7. In the result, this Criminal Revision is dismissed. However, the petitioner is at liberty to workout his remedy before the appropriate forum by invoking Section 341 of Cr.P.C.

SD/-

ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

kmi

To

1.The Metropolitan Magistrate No.X,
Allikulam, Chennai-600 003.

2.Thro' The Chief Metropolitan Magistrate,
Egmore, Chennai.

Copy to

The Section Officer,
E.R Section,
High Court, Madras.

(with direction to return the Certified Copy of the Impugned order)

+lcc to Mr.R.Ganesh Kumar, Advocate Sr.60422

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spd[co]

srg 03/12/2021