



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.12.2021

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

Crl.R.C.No.868 of 2017

Muniraj
S/o.Mr.Madhan

.. Petitioner/Petitioner

Vs.

Govindan
W/o.Mr.Chinnu

.. Respondent/Respondent

PRAYER : Criminal Revision Case has been filed under sections 397 read with 401 of Criminal Procedure Code to call for the records and set aside the order in C.C.No.106 of 2010 passed by the learned Judicial Magistrate No.1, Dharmapuri, dated 20.03.2017.

For Petitioner : Mr.V.Rajamohan

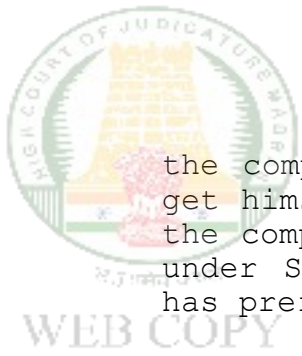
For Respondent : Mr.A.Sivaji

ORDER

This Criminal Revision Case has been filed challenging the order of the learned Judicial Magistrate No.I, Dharmapuri, dated 20.03.2017 in C.C.No.106 of 2010.

2. The Revision petitioner is the complainant before the lower Court. He had filed a private complaint against the respondent on the allegation that the respondent had assaulted him and snatched the golden chain owned by the complainant and also attacked him with knife. On a previous police complaint given in this connection a case was registered in Crime No.489 of 2009 of Dharmapuri police station under Section 274(b), 323, 324, 384 and 307 IPC. As he is not satisfied with the investigation done by the police, the complainant has made certain allegations against the police and filed a private complaint by stating that there are grounds for making out the case under Section 307 IPC.

3. The learned Magistrate had taken the case on file in C.C.No.106 of 2010. Despite the case was pending for 7 years, there was no progress in the case. The case is said to have been posted for examination of witnesses from 16.12.2011. However,



the complainant had not made his appearance before the Court to get himself examined. Hence the learned Magistrate has dismissed the complaint for want of prosecution and discharged the accused under Section 245 Cr.P.C. Aggrieved over that the complainant has preferred this Criminal Revision Case.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

5. The learned counsel for the revision petitioner submitted that the Court ought to have dismissed the complaint and proceeded with the trial. He has also submitted that in the event of the order of the learned Magistrate is set aside, he is willing to appear before the trial Court to conduct the proceedings.

6. Points for consideration:

"Whether the order of the learned trial Judge is unfair, improper or not legal?"

7. It is seen from the grounds of the revision petition that the revision petitioner is a practicing Advocate before the same Court and such circumstances, there is no reason for his non-appearance for the proceeding pending in C.C.No.106 of 2010. Further it appears from the complaint that the respondent, who is the father-in-law of the defacto complainant, have got an ill feeling towards the defacto complainant for divorcing his daughter. The complaint given by the revision petitioner was kept pending for the reasons known to him. The learned Magistrate has rightly observed that there is no point to keep the case pending without any progress and dismissed the same for the default of the defacto complainant. As I find the order of the learned Magistrate is correct, it does not warrant any interference,

8. In the result, this Criminal Revision Case stands dismissed. The order of the learned Judicial Magistrate No.1, Dharmapuri, dated 20.03.2017, passed in C.C.No.106 of 2010 is confirmed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rpl



- +1cc to Mr.A.Sivaji, Advocate, S.R.No.65870

GJ (CO)
CT 20/01/2022