



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2022

CORAM:

THE HON'BLE MR. JUSTICE N.SESHASAYEE

CRIMINAL REVISION CASE NO.204 OF 2022

V.Rajasekaran

... Petitioner

Versus

1. Mr.Mahalingam,
The Chief Engineer - PWD cum
Superintendent Engineer,
Circle-I, PWD, Pondicherry.
2. Mr.Manickavasagam,
The Engineer Assistant to SE-1,
Circle-1, Building and Road Division,
PWD, Pondicherry.
3. Inspector of Police,
Odiansalai Police Station,
Pondicherry.

... Respondents

Prayer:

Criminal Revision Case filed under Sections 397 r/w 401 of Criminal Procedure Code, to call for the records, allow the present Criminal Revision Petition and set aside the impugned order dated 23.12.2021 in CrI.M.P.No.1925 of 2021 on the file of the Chief Judicial Magistrate, Pondicherry.

For Petitioner : Mr.M.Palanivel

O R D E R

The petitioner is stated to be a practicing Advocate and he has preferred a complaint under Section 156(3) Cr.P.C against the respondents 1 and 2 for the alleged offences punishable under Sections 51(b) and 55 of Disaster Management Act and Section 3 of Epidemic Disease Act, 1897 and Section 188 of Indian Penal Code. The learned Magistrate has in his impugned order dismissed the complaint and held that any criminal prosecution can be



initiated for the offence under Sections 51(b) and 55 of Disaster Management Act has to be by a National Authority or any other authority concerned. So far as under Section 3 of Epidemic Disease Act, 1897 is concerned, there is no penal provision and action can be initiated only under Section 188 IPC, but even this can be initiated only by a public officer. Challenging the same, the present revision has been filed.

2.The learned counsel for the revision petitioner submitted that under Section 60(b) of Disaster Management Act, any person can prefer a complaint to the learned Magistrate for violation of any of the orders passed under Sections 51(b) and 55 of Disaster Management Act, after giving 30 clear days notice to the authority concerned and that in the instant case, it has been so given.

3.The learned counsel, however added that impelled by a sense of duty to law, the petitioner has filed this complaint, but since the situation then was vastly different from what it is now, he is not interested in prosecuting the matter and offers to withdraw it.

4.This Court appreciates the revision petitioner for his public sensitivity vis-a-vis the regulations issued under the Disaster Management Act, and also appreciation of his stance in the changed circumstances.

5.Accordingly, this Criminal Revision Case is dismissed as withdrawn.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ms/dk

To

1. The Chief Judicial Magistrate,
Pondicherry.
2. The Inspector of Police,
Odiansalai Police Station,
Pondicherry.



3. The Public Prosecutor, Pondicherry,
High Court, Madras.

+1cc to Mr.A.Asrarul Haq, Advocate, S.R.No.12156

Cr1.R.C.No.204 of 2022

PMK (CO)
PM/16/03/2022