



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2022

Coram:

THE HONOURABLE **MR. JUSTICE P.VELMURUGAN**

Criminal Revision Case No.949 of 2022

Subramani

... Petitioner

Vs.

1. Annamalai

Proprietor of M/s. Sri Ragu Tractors
No.6-7, M S A Complex
Gingee Road, Chetpet Taluk

2. Kalikumar

... Respondents

Prayer: Criminal Revision filed under Section 397 and 401 of Criminal Procedure Code, praying to set aside the order in C.C.No.192 of 2017 passed by the learned Judicial Magistrate, Polur, Thiruvannamalai District dated 22.04.2022.

For Petitioner : Mr.C.Venkatesan

For Respondents : Mr.P.Sivamani

**ORDER**

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The Criminal Revision Case has been filed seeking to set aside the order in C.C.No.192 of 2017 dated 22.04.2022, passed by the learned Judicial Magistrate, Polur, Thiruvannamalai District.

2. The petitioner had filed a private complaint before the learned Judicial Magistrate, Polur, under Section 200 Cr.P.C. against the respondents to punish them for the offences under Sections 420 and 506(i) IPC. The said complaint was taken on file in C.C.No.192 of 2017 and that the complaint was pending from the year 2017. Till 22.04.2022, the petitioner did not produce any witness to proceed with his complaint. Therefore, the learned Magistrate dismissed the complaint under Section 249 Cr.P.C. on the ground of non prosecution and non appearance of the complainant/petitioner herein resulting, the respondents were acquitted. Aggrieved over the order passed by the learned Magistrate, the complainant has filed the present revision before this Court.



3. The learned counsel for the petitioner would submit that due to pandemic situation, the petitioner/complainant who is an aged person, could not appear before the Court. He would further submit that during pendency of the case, the respondents had filed discharge petition in Crl.M.P.No.3093 of 2018 and the learned Magistrate, on finding that there were prima facie materials against the respondents, dismissed the said petition by order dated 04.04.2019. Hence the revision has to be allowed and that the petitioner is ready to proceed with the complaint.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.

5. It is seen that the petitioner had filed the private complaint against the respondents in the year 2017 and the same was pending from 2017. Subsequently, the respondents have filed a petition for discharge in the year 2017 itself. However, the same was dismissed on 04.04.2019. Even thereafter, the petitioner did not produce any witness and proceed with the complaint. Though the learned counsel for the petitioner submitted that due to Corona pandemic, the complaint was pending for more than 5 years, the



pandemic period was only for 2 years and that the petitioner has not assigned any reason as to why he has not proceeded with the complaint either before the pandemic period or after the pandemic period. Therefore, the reason stated by the learned counsel for the petitioner is not acceptable. Since the private complaint filed under Section 200 Cr.P.C. was pending for more than 5 years without any progress and the petitioner neither appeared before the trial Court nor produced any witness, the learned Magistrate rightly dismissed the complaint for non prosecution under Section 249 Cr.P.C. Therefore, this Court does not find any perversity, infirmity or illegality in the order passed by the Magistrate and there is no merit in the revision and therefore, the revision is liable to be dismissed.

6. Accordingly, this Criminal Revision Case is dismissed.

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To

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The Judicial Magistrate,
Polur, Thiruvannamalai District,



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P.VELMURUGAN,J.

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