



WEB COPY



Crl.R.C.No.854 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.854 of 2022
and
Crl.M.P.No.8693 of 2022

G.Sankar,
S/o.Gurusami

... Petitioner

Versus

A.Abdul Hameed,
by Power Agent,
A.Haja Najumudeen

... Respondent

Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, to allow this Criminal Revision Petition and set aside the order dated 24.05.2022 passed in Crl.M.P.No.1502 of 2022 in S.T.C.No.181 of 2016 on the file of the Judicial Magistrate No.II, Chidambaram.

For Petitioner : Mr.R.MD.Nasarullah
For Respondent : No appearance

ORDER

This Revision is filed as against the order dated 24.05.2022 passed by the learned Judicial Magistrate No.II, Chidambaram in Crl.M.P.No.1502 of 2022, in and by which, the prayer of the respondent/accused in a private complaint to



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direct the appearance of the complainant/Principal was rejected by the Trial Court.

2.Admittedly, the complainant can choose to conduct the private complaint by appointing a Power of Attorney. So long as the Power of Attorney appears in other hearings, the accused has no right to say that the Principal should be present before the Court. When it comes to the question of giving evidence, it is for the complainant to decide whether he is going to come to the Court and give evidence or not. If the allegations are to the personal knowledge of the complainant and if he does not choose to enter into the box, the petitioner can take advantage of the same in the manner known to law. Therefore, the petitioner has no right to compel the complainant to be present before the Trial Court.

3.Therefore, finding no infirmity in the order of the learned Judicial Magistrate No.II, Chidambaram, this Criminal Revision Case stands dismissed. Consequently, connected criminal miscellaneous petition is closed.

06.07.2022

Index : yes/no
Speaking/Non-speaking order
sp



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To
The Judicial Magistrate No.II,
Chidambaram.



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D.BHARATHA CHAKRAVARTHY, J.,

sp

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