



CRL.R.C.(MD).No.634 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATE : 26.06.2023

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.R.C.(MD).No.634 of 2023

in

CrI.M.P.(MD)No.8999 of 2023

N.Neela Janagadhas

: Petitioner

Vs.

1. M.David

Murugan (died)

2.J.K.Mehta @ Jayendra Kumar Mehta

3.Kumaresan

4.Hemavathi

: Respondents

PRAYER: Criminal Revision Petition has been filed under Section 397(1) r/w 401 of Cr.P.C, to call for the records pertaining to the order made in Cr.M.P.No.945 of 2023 in C.C.No.358 of 2021 on the file of the learned Judicial Magistrate, Valliyoor and to set aside the same.

For Petitioner : Mr.V.Sasikumar

ORDER

This Criminal Revision Petition is directed against the order passed in Cr.M.P.No.945 of 2023 in C.C.No.358 of 2021, dated 28.03.2023, on



CRL.R.C.(MD).No.634 of 2023

the file of the learned Judicial Magistrate, Valliyoor, dismissing the petition filed under Section 45 of Indian Evidence Act.

2. It is seen from the records that the petitioner has filed a complaint under Section 156(3) Cr.P.C., and the same was taken cognizance in C.C.No.199 of 2007 on the file of the learned Judicial Magistrate, Eraniel and subsequently, the case was transferred to the Judicial Magistrate Court, Valliyoor and taken on file in C.C.No.358 of 2021. The petitioner has also filed an application under Section 319 Cr.P.C., for addition of the accused and during the pendency of the petition, the above petition under Section 45 of Indian Evidence Act came to be filed.

3. The case of the petitioner is that the accused 3 and 4 in collusion with the accused 1 and 2 with intention to cheat him and in pursuance of the same, the accused 1 and 2 had agreed to purchase the vehicle bearing Reg.No.TN-74-C-2125 standing in the name of the petitioner for Rs.3,40,000/- and paid Rs.40,000/- as advance and get the vehicle; that they have agreed to pay the balance amount of Rs.3,00,000/-, but subsequently, without paying that amount and without disclosing father's name and address, they had mentioned the vehicle registration number in the names of Neelaganka dhas, Neelaganda dhas and that the fourth



CRL.R.C.(MD).No.634 of 2023

accused had subscribed forged signatures and submitted the same before the office of the proposed accused.

4. It is the further case of the petitioner that since the proposed accused had abated the accused 1 to 5 to cheat the petitioner, the petitioner has filed a petition in Cr.M.P.No.4076 of 2022 for addition of the proposed accused as accused in C.C.No.358 of 2021 and that the said petition is pending. The main contention of the petitioner is that in order to show that there existed *prima facie* case against the proposed accused, the present application came to be filed to send the documents to the handwriting expert and to get the opinion.

5. The learned Judicial Magistrate, by observing that the petitioner has not assigned sufficient reasons to grant the relief now claimed and that the petition for addition of accused came to be filed belatedly and that when the same is pending, the present application came to be filed, dismissed the petition.

6. Considering the facts and circumstances of the case and also the fact that the calender case is pending from 2007 onwards and taking note of the reasons canvassed for filing the present application under Section



CRL.R.C.(MD).No.634 of 2023

45 of Indian Evidence Act, the order passed by learned Magistrate, in dismissing the petition cannot be found fault with. Hence, this Court concludes that the Criminal Revision is devoid of merits and the same is liable to be dismissed.

7. In the result, the Criminal Revision is dismissed. However, the learned Magistrate is directed to dispose of the petition filed under Section 319 Cr.P.C within one month from the date of receipt of copy of this order and thereafter, take necessary steps to dispose of the case within four months. Consequently, connected Miscellaneous Petition is closed.

26.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
das

K.MURALI SHANKAR, J.



WEB COPY



CRL.R.C.(MD).No.634 of 2023

das

To

1. The Judicial Magistrate, Valliyoor.
2. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CRL.R.C.(MD).No.634 of 2023
in
Crl.M.P.(MD)No.8999 of 2023

26.06.2023