



Crl.R.C.(MD)No.342 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.04.2023

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THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C.(MD)No.2342 of 2018

Minnalkodi

... Petitioner

Vs.

1.State through
The Inspector of Police,
Ayyampattai Police Station,
Thanjavur District.

2.Jayasankar

... Respondents

PRAYER : Criminal Revision Case filed under Section 307 r/w 401 of Cr.P.C., to call for the records pertaining to the order passed in Crl.M.P.No. 1324 of 2017 in S.S.C.No.60 of 2017 on the file of I Additional District and Sessions Judge (PCR), Thanjavur District dated 19.04.2018 and set aside the same.

For Petitioner : Mr.S.Chellapandian

For R1 : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. Side)

For R2 : Mr.P.Vadivel



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ORDER

This Criminal Revision Case has been filed to set aside the order passed in Crl.M.P.No.1324 of 2017 in S.S.C.No.60 of 2017 on the file of I Additional District and Sessions Judge (PCR), Tanjavur District dated 19.04.2018.

2.The learned counsel appearing for the petitioner would submit that the trial Court discharged the second respondent on the ground that the petitioner did not produce community certificate. The petitioner was not given opportunity to produce relevant document. The petitioner is ready to produce the relevant documents, which were required under law before the trial Court. It is only a private complaint. After satisfying that there was a prima facie case, the trial Court had taken cognizance. Therefore, at the time of trial only the petitioner has to produce the community certificate of the petitioner as well as the second respondent herein. Without giving that opportunity, the Court below discharged the second respondent from all the charges.

3.On perusal of the records revealed that the petitioner lodged a private complaint under Section 200 Cr.P.C., for the offence under Sections 294(b), 506(ii) IPC and Sections 3(1)(x), 3(1)(zi), 3(1)(xv) of SC/ST Act and Section



2(a) of the Harassment of Woman Act. The crux of the allegation in the complaint reveals that the petitioner belongs to Adidraavidar community and she was working as water tank opener at Regunathapuram village. The second respondent, who belongs to other community, was President at Regunathapuram village. He directed the petitioner to leave her job and also directed to vacate the house, in which, the petitioner resided for 30 years. He also used to pay salary in delayed manner. It is seen that the petitioner's husband was also working in the same position and after his demise, the petitioner was working, however, the second respondent did not pay her properly and when she asked about the same, the second respondent abused her by using her caste name.

4. In order to attract the offence under provision of SC/ST Act, the petitioner has to produce her community certificate as well as the second respondent's community certificate. However, the petitioner failed to produce the same. That apart, there is no material in order to proceed with the trial as against the second respondent for the offence punishable under Sections 294(b), 506(ii) IPC and Sections 3(1)(x), 3(1)(zi), 3(1)(xv) of SC/ST Act and Section 2(a) of the Harassment of Woman Act. Therefore, the trial Court rightly allowed the discharge petition and there is no infirmity or illegality to interfere



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in the order passed by the trial Court. Accordingly, this criminal revision case is dismissed.

05.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The I Additional District and Sessions Judge (PCR),
Tanjavur District.
- 2.The Inspector of Police,
Ayyampattai Police Station,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.K.ILANTHIRAIYAN,J.

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