

**IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE,
CHENGALPATTU**

Present : Tmt.J.Mavis Deepika Sundaravadhana, M.A., M.L.,
Principal Sessions Judge, Chengalpattu

Date: Monday, the 10th day of June 2024.

Crl.M.P. No.630 of 2024 in S.C. No.134 of 2018
(CNR No.TNKP01-001016-2024)

K. Elangovan,

.. Petitioner/Complainant

//Versus//

A.N. Santhanam

.. Respondent/ Accused

This petition has been filed by petitioner/complainant, prays to re-open the case for complainant side evidence.

This petition is coming on this day for hearing before me, in the presence of M/s.T.Aravindan, the learned counsel for the petitioner/complainant, and of M/s.N.Kanakaraj, the learned counsel for the respondent/ accused, upon hearing both side arguments and upon perusal of case records, this Court made the following

ORDER

This application has been filed by the petitioner/complainant, prays to re-open the S.C. No.134 of 2018, for evidence on the side of the complainant.

2. The petitioner is the complainant in S.C. No.134 of 2018. Since the complainant failed to proceed the case with trial, on 11.04.2023, this Court posted the case for further proceedings by 27.06.2023. Thereafter, the complainant filed this present petition to re-open the case for complainant side evidence. The reason stated by the complainant for his

non-appearance that, the complainant was affected by Heart Attack and admitted in the hospital.

3. On the other hand, the learned counsel for the accused filed his counter stating that, in order to drag the case, the complainant filed this petition and hence, he prays to dismiss the petition as not maintainable.

4. The point for consideration is that, whether the present petition deserves to be allowed or not?

5. This petition is filed by the complainant to re-open the case.

6. The petitioner is the complainant. The sessions case was committed to this Court, by the then learned Judicial Magistrate, Tambaram, for the alleged commission of offences U/s.3(1)(X) of SC/ST (PoA) Act 1989. The cognizance of the offence was taken in the year 2023 by an Order dated 11.09.2003.

7. The complainant, during his employment, on 14.11.2002, while he was working as Sanitary Inspector in the Tambaram Municipality, the Municipal Commissioner one Thiru.A.N.Santhanam questioned about him for not removing the garbage. Thereafter, it is alleged, the complainant was abused by the Municipal Commissioner Thiru.A.N.Santhanam on account of his community, thereby, a private complaint was filed, U/s.3(1)(X) of SC/ST (PoA) Act 1989.

8. The case was committed to the Court of Sessions by the learned Magistrate, by an order dated 27.08.2017. The Charge was framed against the accused on 29.11.2018, and the trial was fixed on 05.02.2019.

9. Thereafter, the complainant not commenced the trial, not appeared

before the Court and took adjournment time and time. Thereafter, due to Covid -19 pandemic, the case was adjourned time to time without the appearance of parties.

10. On 28.09.2021, both the parties present. Thereafter, the case was adjourned to 09.11.2021, but the complainant was absented. Thereafter, from 19.04.2022, the complainant absented continuously, till 17.10.2023. Thereafter, on 07.12.2023, the complainant was directed to proceed with examination of witnesses, but he failed. Therefore, the case was posted for further proceedings according to Law.

11. Thereafter, this application filed seeking re-open of the case.

12. This complaint was filed for the alleged occurrence took place on 14.11.2002. As already mentioned, the case was committed to this Court on 27.08.2017. After 15 years from the date of occurrence, the case was committed to the Sessions Court. As stated earlier, the complainant is not inclined to proceed with the trial, but dragged the case continuously, which is evident from the adjudication of the notes-paper.

13. The accused is the retired Commissioner of Tambaram Municipality, who instructed the complainant to discharge his official duty to remove the garbage. But, with the vengeance-ful mind, this complaint was filed.

14. At the same time, the complainant not inclined to proceed with the trial. Therefore, the attitude of the complainant cannot be encouraged, has to be deprecated. The re-open application itself is not maintainable. However, in the interest of justice, this Court is inclined to allow the petition to afford one more opportunity, on cost.

As the result, this petition will be allowed on payment of Rs.10,000/- (Rupees Ten Thousand only) to the Mediation Centre, Chengalpattu to be paid on or before 07.08.2024, otherwise, this petition stands dismissed.

On such payment, the complainant is directed to proceed with the trial on the date fixed by this Court without fail, otherwise, this Court would proceed further according to Law, without affording no indulgence.

Call this petition on 08.08.2024.

Pronounced be me in the open Court, on this the 10th day of June 2024.

**Principal Sessions Judge,
Chengalpattu.**