

**Pachaimarathan Vs. State**

**Pachaimarathan Vs. State**

**SooperKanoon Citation :** [sooperkanoon.com/808165](http://sooperkanoon.com/808165)

**Court :** Chennai

**Decided On :** Jul-02-1971

**Reported in :** 1972CriLJ124

**Judge :** Somasundaram, J.

**Appellant :** Pachaimarathan

**Respondent :** State

**Judgement :**

ORDER

**Somasundaram, J.**

1. P. Ws. 1 to 3 have sworn that the petitioner gathered a crowd in the public street by abusing certain persons and the police. D. Ws. 1 and 2 also admit that there was a crowd in the street opposite to the house of some persons. Learned Counsel appearing for the petitioner contends that the learned Magistrate who inspected the spot has not prepared or left any notes of inspection and that as such it is an illegality.

Although under Section 539-B, Criminal Procedure Code a Magistrate should record a memorandum of the relevant facts if any observed by him at a local inspection and such memorandum should form part of the record of the case, failure of the Magistrate to make the notes of inspection is only an irregularity and

where there is ample evidence on record to support the Magistrate's conclusion and there had not been failure of justice on account of this irregularity. the High Court will not interfere in revision.

(Vide 1947 MWN 132. Dadekula Dabakka of Kurulappale v. D. Padda Varadappa of Kuriapalle). The evidence on record establishes that there was a disturbance in the street near the temple. The conviction and sentence are correct. The Revision petition fails and is dismissed.

**SooperKanoon - India's Premier Online Legal Search - [sooperkanoon.com](http://sooperkanoon.com)**