

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.4200 of 2014

Velayutham ... Petitioner/Defacto complanant

Vs

1. Murugan
2. State by
The Deputy Superintendent of Police,
Madurantakam Police Station Respondents/Accused
(crime no. 92/2014)

Criminal Original Petition filed under Section 439(2) Cr.P.C. to cancel the bail granted to the accused by the learned Principal Sessions Judge, Chengalpattu in Crl.M.P.No.507 of 2014 dated 19.2.2014.

For Petitioner : Mr.R.Vijayakumar

For Respondents : Mr.T.R.Ravi, for R.1

Mr.M.Mohamed Riyaz,
Govt. Advocate (Crl. Side),
for R.2

ORDER

The present criminal original petition has been filed by the petitioner to cancel the bail granted to the first respondent / accused by the learned Principal Sessions Judge, Chengalpattu in Crl.M.P. No.507 of 2014 dated 19.2.2014.

2. The petitioner is the de facto complainant and the first respondent is the accused in Crime No.92 of 2014 on the file of the second respondent police.

3. In the affidavit filed in support of the petition, it has been stated that the petitioner is the father of the deceased Revathy. The marriage between Revathi and the first respondent took place on 29.1.2010. The petitioner had given totally 40-1/2 sovereign of gold jewels to his daughter as well

as the first respondent and his grandson by name M.R.Yeswanth. When the deceased Revathy began to live with the first respondent at the matrimonial home, problem started between them within three months from the date of marriage. Further, the first respondent suppressed the fact that he is not a graduate. All along, the first respondent harassed the deceased Revathy and tortured her in one way or other continuously and openly commented her in many number of times that she was not beautiful as a cine actress. Since the deceased questioned the high handed act of the first respondent, the first respondent started to ill-treat her. On 18.1.2014, the first respondent brought poison and compelled her to consume the same and die. But, the deceased refused to consume the poison. Hence, she was harassed by the first respondent in so many ways. The first respondent has also filed a petition before the Sub Court, Madurantakam in H.M.O.P.No.23 of 2013 for Restitution of Conjugal Rights to show as if he is a genuine person. While so, on 19.1.2014 at about 1.00 p.m., the petitioner was informed by the brother of the first respondent that her daughter Revathy consumed poison and was admitted in the hospital at Madurantakam. The petitioner rushed to the hospital and when he reached the hospital, it was declared by the Doctor that she had died. Initially, a case was registered under Section 174 Cr.P.C. and later, it was altered into one under Sections 498(A) and 306 I.P.C. and the first respondent was arrested on 20.1.2014. Subsequently, the first respondent filed a petition for bail in CrI.M.P.No.507 of 2014 before the learned Principal Sessions Judge, Chengalpattu and obtained bail order on 19.2.2014. Now, the present petition has been filed by the petitioner for cancellation of the bail granted by the learned Principal Sessions Judge, Chengalpattu.

4. Learned counsel appearing for the petitioner submitted that at the time of death, the deceased Revathy was four months pregnant. Further, at the time of granting bail to the first respondent, the case was under investigation and some more accused had to be apprehended. But, without considering all these aspects, the learned Principal Sessions Judge, Chengalpattu has granted bail to the first respondent. Thus, he sought to cancel the bail granted to the first respondent.

5. Learned Government Advocate (CrI. Side) submitted that on completion of investigation, charge sheet has been filed in this case and it was taken on file as P.R.C.No.18 of 2015.

6. Keeping the submissions made on either side, I have perused the materials available on record and I find that the petitioner has not made out any case for cancellation of the bail already granted to the first respondent. Further, in this case, after completion of investigation, charge sheet has been filed and the same was taken on file as P.R.C.No.18 of 2015. Hence, at this juncture, the question of cancellation of bail does not

arise. However, I am of the opinion, a direction could be given to the trial Court to complete the trial within a stipulated time.

7. In fine, the criminal original petition is dismissed. However, the learned Magistrate concerned is directed to complete the committal proceedings as early as possible and after receipt of the records on committal, the learned Principal Sessions Judge, Chengalpattu is directed to complete the trial as early as possible, preferably within a period of six months from the date of receipt of records on committal.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

1. The Principal Sessions Judge,
Chengalpattu.
2. The Deputy Superintendent of Police,
Madurantakam Police Station.
3. The Public Prosecutor,
High Court, Chennai.

+1cc to Mr.R.Vijayakumar, Advocate sr.no.13638

+1cc to Mr.T.R.Ravi, Advocate sr.no.36550

Cr1.O.P.No.4200 of 2014

ctk[col]
srg 29.07

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