

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-10-2015

Coram

THE HONOURABLE MR.JUSTICE B. RAJENDRAN

Criminal Revision Case No.1021 of 2015

1.Vazhavanthan
2.Jayaraj

.. [Petitioners/A1 & A2]

Versus

The Station House Officer
Reddiyarpalayam Police Station
Puducherry.

.. Respondent/Complainant

Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C. against the order passed by the learned Judicial Magistrate No.III at Puducherry in Crl.M.P.No.454 of 2015 in C.C.No.932 of 2014, dated 25.06.2015, thereby, dismissing the petition seeking to discharge the petitioners/accused Nos.1 and 2.

For Petitioners: Mr.J.Suresh

For Respondent : Mr.V.Balamurugane
Government Advocate
(Puducherry)

ORDER

This Criminal Revision Case is filed against the order passed by the learned Judicial Magistrate No.III at Puducherry in Crl.M.P.No.454 of 2015 in C.C.No.932 of 2014, dated 25.06.2015, thereby, dismissing the petition seeking to discharge the petitioners/accused Nos.1 and 2.

2. The defacto complainant is a student studying in 12th standard in Velankanni Matriculation Higher Secondary School, Reddiyarpalayam at Puducherry. The first petitioner/accused No.1 is the Physics teacher and the second petitioner/accused No.2 is the Correspondent of the said School. They were alleged to have made the defacto complainant to kneel down and beat him on his palm and foot by using a cane and hence, the complaint. Based on which, a F.I.R. was registered for the offence under Section 324 IPC r/w. 34 IPC against the accused persons, which is pending trial. Seeking for discharge, the petitioners have filed a petition under Section 239 Cr.P.C. before the Trial Court and the same was dismissed. As against the same, the present Criminal Revision Case is filed.

3. Today, when the matter is taken up, Mr.J.Suresh, learned counsel appearing for the petitioners would submit that the second petitioner is the Correspondent of the School and he has nothing to do with the alleged offence and atleast, he may be considered for exemption from appearance before the Trial Court and he may be allowed to be

represented through his counsel. The learned counsel would further submit that the second petitioner undertakes to appear on the dates as and when required and also on the important dates including the receiving of copy of chargesheet etc.

4. The learned Government Advocate (Puducherry) would submit that the occurrence took place in 2012 and hence, a direction may be issued for the speedy trial.

5. Heard both sides. By consent, the main Criminal Revision Case itself is taken up for final disposal at the stage of admission itself.

6. Taking into consideration of the fact that the occurrence has taken place in the year 2012 and it relates to the involvement of a teacher and Correspondent of the School respectively and the allegation against them is that they have made the defacto complainant to kneel down and beat him on his palm and foot by using a cane, in my considered opinion, the petitioners cannot be considered for discharge at this stage, however, the trial of the case in C.C.No.932 of 2014 shall be expedited. The Trial Court is directed to expedite the trial of the case in C.C.No.932 of 2014 and complete the same, as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order. Insofar as the second petitioner, who is the Correspondent of the School alone is concerned, his personal appearance before the Trial Court during the course of trial is dispensed with on all dates of hearing and he is permitted to appear through his counsel, except on dates when his personal appearance is required. It is made clear that the second petitioner shall appear before the Trial Court as and when required and on all important dates, including at the time of receiving the copy of the chargesheet etc. and the petitioners shall co-operate for the speedy trial of the case. This Criminal Revision Case is disposed of accordingly.

Paa

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub-Assistant Registrar

To

1. The Station House Officer
Reddiyarpalayam Police Station
Puducherry.
2. The Judicial Magistrate No.III
Puducherry.

3. The Chief Judicial Magistrate,
Puducherry

4. The Public Prosecutor,
Puducherry, High Court,
Madras

Criminal Revision Case No. 1021 of 2015

KSJ(CO)
sd : 28/10/2015



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