

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 18.06.2015

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

Criminal Revision Case No.1054 of 2010  
and  
M.P.Nos.1 and 2 of 2015

1.Anjalakshmi  
2.Alagiri  
3.Perumal

... Petitioners

vs.

State represented by  
Sub Inspector of Police  
R-10, MGR Nagar Police Station  
Chennai-83.

... Respondent

Criminal Revision against the order dated 16.09.2010 made in  
Crl.M.P.No.2170 of 2010 in C.C.No.14235 of 2009 on the file of  
learned XXIII Metropolitan Magistrate, Saidapet, Chennai.

For petitioners : Mr.V.Krishnamoorthy

For respondent : Mr.V.Arul  
Government Advocate (Crl. Side)

ORDER

The revision is filed against the dismissal of the discharge  
application filed by the revision petitioners/accused 3 to 5.

2. The only ground which has been raised by the revision  
petitioners is that in the First Information Report, the present  
petitioners name have not been mentioned. The parties are  
relations. The non-mentioning of the names of the petitioners in  
the First Information Report at that stage is fatal. But in the  
charge sheet, the names of the present petitioners have been  
included. Aggrieved against the same, they filed the discharge  
application.

3. The learned counsel for the revision petitioners would submit that the discharge application has been dismissed by the court below without taking into consideration that the petitioners name have not been shown in the First Information Report and therefore, he would contend that the discharge petition would have been allowed.

4. The learned Government Advocate (Crl. Side) would fairly submit that there is no mention about the names of the revision petitioners in the First Information Report. However, the learned Government Advocate (Crl. Side) would further submit that the First Information Report is not the entire thing and in this case, at the earliest point of time, viz., at the time of recording 161 statement, names of all these petitioners have been clearly stated and implicated and therefore, in the final report these three persons names have been included. He would further submit that only based on that, the trial court has come to the conclusion that the names of the petitioners have been rightly included and accordingly, dismissed the discharge application filed by the revision petitioners and therefore, the order passed by the trial court is fair, reasonable and correct.

5. Heard both sides. By consent the main revision case is taken up for final hearing.

6. As rightly contended by the learned Government Advocate (Crl. Side), the First Information Report is not the magna-carta or a full pledged other document. No doubt, there is no mentioning about the names of the petitioners in the First Information Report. But later on, in the 161 statement, which was recorded immediately thereafter, the witnesses have given the detailed, vivid description of the parties/accused and their involvement. According to the prosecution, on the day of occurrence, due to the injuries sustained by the victim, he would not be in a position to name everyone, but at the time of 161 statement, he has categorically implicated everyone. Therefore, taking into consideration of the circumstances under which the names of the revision petitioners have been included in the final report, the court below has rightly framed the charge and dismissed the application. Hence, this Court is of the view that the order passed by the court below is fair, reasoned and correct.

7. It is now stated that for the past five years, the case is pending before the court below, on the stay made by this Court in the stay petition. In view of the above, the stay granted by this Court earlier is vacated and the lower court is directed to take up the case immediately and dispose of the same as early as possible.

8. With the above direction, the Criminal Revision case is dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-  
Deputy Registrar(J)

//True Copy//

Sub Assistant Registrar

mra

To

- 1.The XXIII Metropolitan Magistrate,  
Saidapet, Chennai.
- 2.The Public Prosecutor,  
High Court, Madras.
- 3.The Sub Inspector of Police,  
R-10, M.G.R. Nagar Police Station,  
Chennai - 83

Copy To

The Section Officer,  
Criminal Section,  
High Court, Madras.

(If any record relating to this case is available, the same may be immediately sent back to the lower court within a period of 15 days.)

CrI.Revision Case No.1054 of 2010  
and  
M.P.Nos.1 and 2 of 2015

SVI (CO)  
CA(08/07/2015)

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