

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.6.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No.271 of 2015

and

M.P. No. 1 of 2015

V.P.R.Raja

.. Petitioner

Versus

The Deputy Superintendent of Police
Attur Town, Salem District

... Respondent

Criminal Revision Petition filed under Section 397 and 401 of Cr.P.C. against the order dated 21.1.2015 passed in C.M.P. No.17419 of 2014 in S.C. No. 308 of 2012 on the file of the learned District and Sessions Court, Salem.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr. Mohammed Riyaz
Government Advocate (Crl.side)

ORDER

By consent of counsel for both sides, the Criminal Revision Petition is taken up for final disposal.

2. The revision petition is filed by the petitioner/A1 questioning the correctness of the order dated 21.1.2015 passed by the Court below returning the discharge petition in C.M.P. SR.No.17419 of 2014 in S.C.No. 308 of 2012 filed by him.

3. The petitioner has filed C.M.P.No.SR.No.17419 of 2014 in S.C.No.308 of 2012 under Section 227 of Cr.P.C. praying to discharge him from the charges levelled against him.

4. According to the petitioner, he has been falsely implicated by the respondent police for the alleged offence under Section 341,326, 324 read with 34 of IPC and 3(1) (x) of SC & ST Act, 1989 altered in to under Section 147, 148, 341, 326, 324 read with 149 of IPC and Under Section 3(1)(x) of SC & ST Act, 1989. According to the petitioner, while filing the charge sheet by the respondent, his name has not been included in the charge sheet. But when the defacto complainant, while giving evidence before the District and Sessions Court, Salem, due to political motivation and with ulterior motive, that too, after lapse of five years, deposed and implicated the petitioner's name and as per Court order the respondent police filed

the revised charge sheet by impleading the petitioner's name. Therefore, the petitioner filed a discharge petition in CMP.SR.No.17419 of 2014 in S.C.No.308 of 2012 but the same was returned by the learned Judge. Aggrieved over the said order, the petitioner has filed the above revision.

5. It is the submission of the learned counsel for the petitioner that the Court below returned the petition filed by the petitioner stating that it is not maintainable, even without taking note of the fact that the petitioner filed the discharge petition only after inclusion of his name in the revised charge sheet, that too, after a lapse of five years. Without assigning any valid reasons, the Court below returned the papers by depriving the opportunity to the petitioner.

6. I have heard the submission made by the learned Government Advocate (Criminal side), on the submission made by the learned counsel for the petitioner and perused the entire materials available on record.

7. On the face of the record, the Criminal Revision case is not maintainable, as the discharge petition filed by the petitioner was only returned by the Court below. The Criminal Revision would lie only against the order of dismissal of the petition.

8. Therefore, the Criminal Revision is dismissed as not maintainable. Consequently, connected miscellaneous petition is closed. It is open to the petitioner to represent the petition before the Court below along with necessary papers.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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TO

1. The District and Sessions Court, Salem.

2. The Deputy Superintendent of Police
Attur Town, Salem District.

3. The Public Prosecutor, High Court, Madras.

+ 1 cc tdo Mr.C.Prakasam, Advocate Sr.26487

Crl. R.C.No.271 of 2015

GP(CO)

En 18.06.15

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