

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08-09-2015

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 904 of 2015
and
M.P. No. 1 of 2015

P.Rathinasamy

.. Petitioner /Proposed
Accused

Vs.

1.State rep. by the Inspector of Police
EOW-II Unit, Erode
Erode District
Crime No.1014/2012.

..1st Respondent/Petitioner
Complainant

2.M/s.Anbu Poultry Farms
5/4 Dr.Radhakrishnan Road
Teachers Colony
Collector Office Post
Erode District.

3.Sasi @ Govindasamy

4.R.Anandan

5.V.Senthilkumar

.. Respondents 2 to 4/
Respondents 1 to 4

Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C. against the order dated 23.06.2015 passed in CrI.M.P. No. 677 of 2015 in C.C. No. 29 of 2013 on the file of the Special Judge under TNPID Act, Coimbatore.

For Petitioner : Mr. N.Manokaran

For Respondents : Mr. V.Arul
Government Advocate (CrI.Side)
for R.1

ORDER

The case of the prosecution is that on 03.12.2012, the first respondent police registered a case in Cr.No.1014 of 2012 against the third respondent and one Kuppusamy for the alleged offence under Section 5 of the TNPID Act, 1997, alleging that the accused persons had collected a sum of Rs.1,50,000/-, by way of deposit, for the supply of 375 country chicks and also agreed to pay incentives at the rate of Rs.9000/- per month for a period of three years. After investigation, the first respondent police has filed a final report in C.C.No.29 of 2013 on the file of the Special Court for TNPID Act Cases, Coimbatore, against respondents 2 to 5. The prosecution has examined nearly 50 witnesses in C.C.No.29 of 2013. During the course of the trial, the first respondent police has filed a petition in C.M.P.No.677 of 2015 under Section 319 CrI.P.C., to include the petitioner as one of the accused pursuant to the evidence of P.Ws.38, 39 and 43 to 46. The said petition was allowed by order dated 23.06.2015 on finding that P.W.46 has spoken to about the presence and involvement of the petitioner in the affairs of first accused Firm and summons was directed to be issued to the petitioner to add him as an accused. Aggrieved against the same, this Criminal Revision Case is filed.

2. Mr.N.Manokaran, learned counsel for the petitioner would submit that the name of the petitioner has not been stated either in the FIR or in the statement recorded under Section 161 Cr.P.C. or in the final report filed under Section 173(2) Cr.P.C., therefore, he cannot be added as an accused at the fag end of the trial. He would further add that the prosecution has examined nearly 50 witnesses and at the fag end of the trial, merely because one of the witness has stated about the presence and involvement of the petitioner in the affairs of first accused Firm, he cannot be added as an accused.

3. Mr.V.Arul, learned Government Advocate appearing for the first respondent would contend that right from the statement recorded under Section 161 Cr.P.C., the name of the petitioner has been mentioned by witnesses viz., P.Ws. 38, 39 and 43 to 46 and they have categorically spoken to about the involvement of the petitioner in the affairs of first accused Firm, therefore, the petitioner has been rightly added as accused.

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

5. On a perusal of the deposition of witnesses and the statement recorded under Section 161 Cr.P.C., it is seen that most of the witnesses viz., P.Ws.38, 39 and P.Ws. 43 to 46, have spoken to about the involvement of the petitioner in the affairs of first accused

Firm and particularly, one Thirumalaisamy, who was examined as P.W.46 has stated that the petitioner herein alone was at the office of first accused, when he went to enquire about the Scheme and he has explained the Scheme. The Trial Court taking into consideration of the fact that if the petitioner was not connected with first accused Firm, there was no need for him to be present there and there was no need for him to canvass for first accused Firm, apart from that, other witnesses have spoken to about the involvement of the accused in the affairs of the first accused Firm, has rightly come to the conclusion that the petitioner has to be necessarily implicated as an accused and summons have been rightly issued to him. Hence, I do not find any reason to interfere with the reasoned order passed by the Trial Court, dated 23.06.2015. This Criminal Revision Case is dismissed, however, the petitioner is given liberty to raise all the points raised in the grounds of revision at the time of trial. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar(CSV)
dt:09/10/2015

True Copy

Sub-Assistant Registrar

To
1.The Special Judge under TNPID Act,
Coimbatore.

2.The Inspector of Police,
E.O.W II Unit Erode

3.The Public Prosecutor
High Court Madras

Crl.R.C. No. 904 of 2015

vgl(co)
aa12/10/2015

WEB COPY