

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.8.2015

CORAM :

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No.312 of 2010
and
MP.No.1 of 2010

Pichandi

.. Petitioner

Versus

1. State rep.by
The Sub Inspector of Police
Ranipet.

2. P.Selvi

... Respondent

Criminal Revision Case filed under Section 397 and 401 of Cr.P.C. to set aside the order of the learned Judicial Magistrate No.II, Walajahpet, Vellore, in C.M.P.No.414 of 2010 in C.C.No.115 of 2009 dated 22.1.2010.

For Petitioner : Mr.K.M.Vijayan, Senior Counsel for
K.M.Vijayan Associates

For R1 : Mr. V.Arul
Government Advocate (Crl.side)

For R2 : Mr.M.Udhyakumar

ORDER

The petitioner has filed this Criminal Revision Case as against the order dated 22.1.2010 passed by the learned Judicial Magistrate No.II, Walajahpet in C.M.P.No.414 of 2010 in C.C.No.115 of 2009.

2. The mother-in-law of the petitioner lodged complaint before the first respondent stating that his daughter, namely, the second respondent herein, attacked her due to family dispute for which case was registered by the 1st respondent on 09.5.2009 for the offence under Section 447, 324 IPC in FIR No.366 of 2009. After due examination, charge sheet has been filed on 19.5.2009 against the petitioner's wife, namely the second respondent, under Section 447 and 324 IPC and the same was taken cognizance in C.C.No.115 of 2009. Pending trial, the first respondent filed petition under Section 319 Cr.P.C. to implead Pitchandi as accused. The said petition was allowed by the Court below, by order dated 22.1.2010. Aggrieved over the said order, the petitioner has filed the above Criminal Revision.

3. The learned counsel for the petitioner submitted that the Court below based on the evidence of P.W.1 has impleaded the petitioner herein as accused and hence, the order passed by the Court below is not correct.

4. The learned Government Advocate (Criminal side) submitted that the Court below, after taking into consideration the evidence of P.W.1, who is the injured victim, has impleaded the petitioner as accused. Therefore, the order of the Court below is right.

5. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondent and perused the materials available on record.

6. Admittedly, P.W.1 is the injured victim. She has specifically stated in her statement, which has been recorded under Section 161 of Cr.PC., that at the instigation of the petitioner herein, the second respondent beat her. The Court below, after taking into consideration the cogent and clear evidence, has rightly impleaded the petitioner herein also as accused. Therefore, I am not inclined to interfere with the reasoned order passed by the Court below.

7. However, considering the facts and circumstances of the case, the Court below is directed to dispose of the case independently, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion with regard to the merit of the case as the same has to be decided only after due trial.

8. With the above observation and direction, the Criminal Revision case is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.II, Walajahpet, Vellore.

2. The Public Prosecutor, High Court, Madras.

1 cc to M/s.K.M.Vijayan Associates , Advocate Sr.No.40088

Cr1.RC No.312 of 2010

rsk(co)

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