

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.01.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.R.C.No.1105 of 2015

&

M.P.Nos.1,2 of 2015

P.Ushadevi

.. Petitioner

vs.

1.State represented by
The Inspector of Police
Pallikaranai Police Station
Chennai

2.Rajeev

.. Respondents

Criminal Revision filed under section 397 and 401 Cr.P.C.
against the judgment of learned Judicial Magistrate, Alandur,
Chennai, in Crl.M.P.No.6467 of 2015 in Crime No.1525 of 2015 on
18.09.2015.

For Petitioner : Mr.V.J.Priyadarsana

For Respondents: Mr.C.Iyyapparaj
Government Advocate [Crl.side] for
R1

Ms.T.K.S.Bharthy Anandraj for R2

ORDER

This revision arises against the order of learned Judicial
Magistrate, Alandur, Chennai, passed in Crl.M.P.No.6467 of 2015
in Crime No.1525 of 2015 on 18.09.2015.

2. The revision petitioner is the mother of the deceased,
while the 2nd respondent is the husband of the deceased. Though a
case was registered under Section 174 Cr.P.C, the FIR has been
altered to inform thus: "In this case one Rani, servant of the
deceased, was enquired and she has informed that she worked
earlier and then left the job. She further informed that there
were few problems between the deceased Arthi and her husband.
Arthi has informed the same to Rani and in turn she had told

Arthi that she knows an astrologer viz Sivasubramanian who can help Arthi to come out of the problem and she left the job. Arthi called the astrologer to her house when her husband was not in home. Astrologer attended the residence of Arthi as and when he was called by her and done poojas in her house. Sivasubramanian noticing that Arthi was alone in her house he planned to kill her and rob her house. On the said day Sivasubramanian did the pooja and he mixed a tablet with water and asked Arthi to drink. After consuming the water, she fell down unconscious and died. Sivasubramanian took the gold jewels of Arthi and fled away. Rani identified the said Sivasubramanian and on enquiring him on 21.05.2015 he accepted the same and accordingly the FIR is altered from 174(ii) Cr.P.C to one under Sections 302, 380 IPC. "

3. Heard learned counsel for petitioner and the learned counsel for 2nd respondent and the learned Government Advocate (Crl.side).

4. The 2nd respondent, as the husband, has sought return of the Thali chain of the deceased as also house key both of which had been recovered from the accused. Such petition has been allowed under orders dated 18.09.2015 and there against the mother of the deceased is before this Court by way of revision.

5. Though in permitting return of property the court below has been of the view that the 2nd respondent/husband was the defacto complainant and such is not the case since the defacto complainant is the petitioner before us, this court, in the facts and circumstances of the case, would not interfere with the order under challenge.

6. The criminal revision petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate,
Alandur,
Chennai

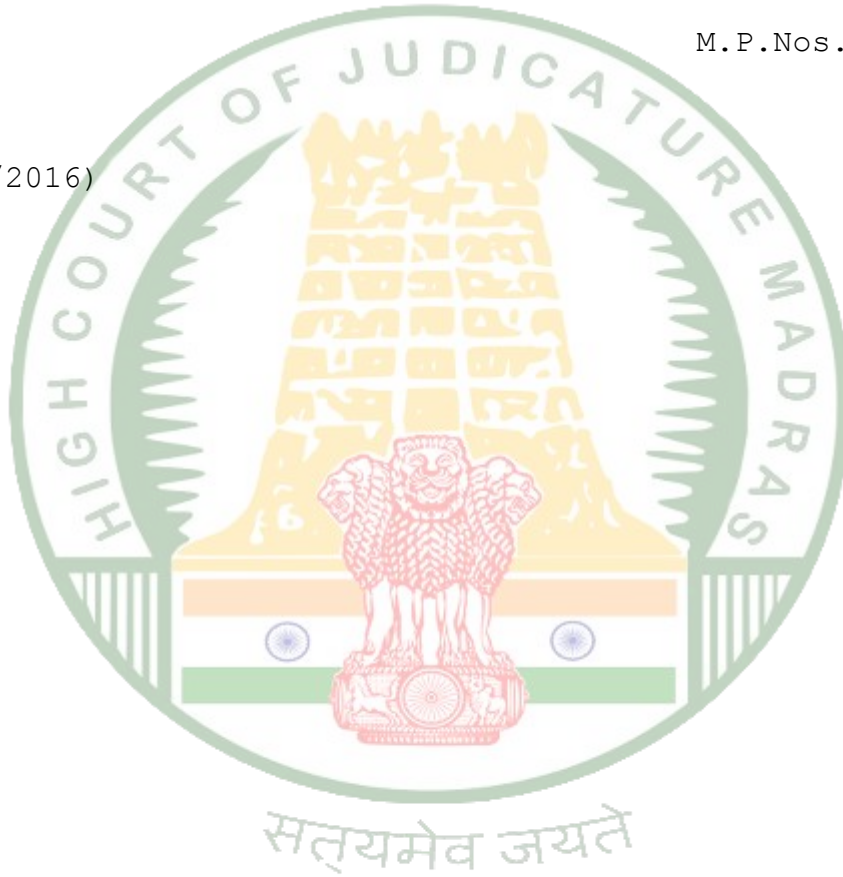
2.The Inspector of Police
Pallikaranai Police Station
Chennai

3.The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.T.K.S.Bharathi Anandraj, Advocate sr.2805

Cr1.R.C.No.1105 of 2015
&
M.P.Nos.1,2 of 2015

lrs(CO)
srg(16/03/2016)



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