

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2016

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.1400 of 2016

&

Crl.M.P.No.12256 of 2016

1.M.Pandurangan
2.V.R.Kannan

... Petitioners

vs.

State by
The Inspector of Police,
Mannargudi Police Station
Tiruvaruru District
Cr.No.709/06

... Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the order of learned Judge, Magalir Neethimandram, Fast Track Court, Tiruvarur, passed in Crl.M.P.No.229 of 2015 in S.C.No.95 of 2014 on 01.02.2016.

For Petitioner : Ms.S.Suseela Devi

For Respondent : Mr.K.Madhan

सत्यमेव जयते
Government Advocate (Crl.side)

O R D E R

W E B C O P Y
This revision is preferred against the order of learned Judge, Magalir Neethimandram, Fast Track Court, Tiruvarur, passed in Crl.M.P.No.229 of 2015 in S.C.No.95 of 2014 on 01.02.2016.

On 01.11.2006 at about 8.30 a.m P.W.1/Mother-in-law along with her daughter-in-law and other family members were proceeding to a wedding when they were stopped and there upon her daughter-in-law was abducted. On the complaint of

P.W.1/Mother-in-law, a case in Crime No.709/2006 for offence u/s. 363 and 506(ii) IPC was registered. On completion of investigation charge sheet was filed informing commission of offences u/s. 147,148,120(B),363,506(ii) r/w 149 IPC and 25(1) (A) of the Arms Act against five accused. Case in S.C.No.95/2014 on the file of the Magalir Neethi Mandram, Thiruvarur, pending trial is been tried for such offences.

3. In the course of examination, P.W.1/defacto complainant has implicated the brother and father of her daughter-in-law informing that they were also present in the car in which her daughter-in-law was abducted. There upon prosecution has filed Crl.M.P.No.229/2015 invoking sec 319 Cr.P.C and seeking the inclusion of petitioners as accused. On such petition being allowed under orders dated 01.12.2016, petitioners have preferred the present revision.

4. Heard the learned counsel for petitioner and the learned Government Advocate (Crl.side).

5. The present is a case which would stand out as a shining example of how Section 319 Cr.P.C can be abused when a court is not alive to such possibility. The complaint in the case as also all the 161(3) statement informs the presence of one Settu a known person and four others unknown but identifiable persons. The 161(3) statements of the victim informs the name of the four others to be Palanivelu, Rajagopal, Raja and Venkatramana. At the end of investigation the accused Settu named throughout and the four others named by the victim have been put up for trial. On the very date of registration of case, the vehicle used in commission of offence has been traced, the victim girl secured and the five persons involved in the occurrence have been arrested and produced before the Magalir Neethimandram, Fast Track Court, Tiruvarur.

6. In the said scenario, the evidence of P.W.1 alleging the presence of the brother and father of the victim, her daughter-in-law, is highly improbable and court below has fallen into error in allowing the petition u/s. 319 Cr.P.C.

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The Criminal Revision shall stand allowed and the order passed by the learned Judge, Magalir Neethimandram, Fast Track Court, Tiruvarur, in Crl.M.P.No.229 of 2015 in S.C.No.95 of 2014 on 01.02.2016 shall stand set aside.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The learned Judge,
Magalir Neethimandram,
Fast Track Court, Tiruvarur

2.The Inspector of Police,
Mannargudi Police Station
Tiruvarur District

3.The Public Prosecutor,
High Court, Chennai.

+lcc to Mr.S. Suseela Devi, Advocate, S.R.No.68129

mu(CO)
md(20/12/2016)

सत्यमेव जयते Crl.R.C.No.1400 of 2016

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