

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.09.2016

Coram

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

Crl.R.C.No.184 of 2016

T.Prabahakar

.. Petitioner

Vs.

State rep by

The Deputy Superintendent of Police,
Crime Branch CID,
Counterfeit currency wing,
CB-CID, Chennai-8.

.. Respondent

Prayer :- Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C. to set aside the order dated 08.12.2015 made in Crl.MP.No.8171 of 2015 in CC.No.49 of 2014 passed by the learned Vth Additional District and Sessions Judge, Chennai.

For Petitioner : Mr.V.Kanimozhi
for M/s.Nathan and Associates
For Respondent : Mr.Mohammed Riyaz, GA (Crl.side).

ORDER

The Criminal revision is directed against the order passed by the learned V Additional City Civil Court, Chennai made in Crl.MP.No.8171 of 2015 in CC.No.49 of 2014 dated 08.12.2015, dismissing discharge application filed by the revision petitioner.

2.It is admitted by the counsel for the revision petitioner that the respondent police filed case against the petitioner/A5 along with four other persons for the offences under Sections 489 B & C IPC r/w.25(1-B) (a) of Arms Act 1959 and Section 15(1)(a)(iii) a) r/w.16(1) of the Unlawful Activities (Prevention) Act 1967.

3.The petitioner filed petition to discharge him from the above charges levelled against him. The learned counsel for the petitioner would mainly contend that the revision petitioner/A5 name is not found in the FIR, subsequently, the revision petitioner name was implicated only on the basis of the

confession statement given by the co-accused without any corroborative evidence. The trial Court failed to consider that overall twenty seven items were recovered from the petitioner, which is not sufficient enough to frame charges against the petitioner, in this case there was no sufficient incriminating materials available to frame charges, that the accused have committed the said offence. The trial Court without considering the above facts and circumstances, erroneously dismissed the application which is liable to be set aside. The learned counsel prays to set aside the order of the trial Court and to allow the criminal revision.

4.The learned Government Advocate (crl. side) mainly contended that there was so many incriminating materials available to presume charges against the present accused. The trial Court after appreciating the entire facts and circumstances of the case, dismissed the application and there is no illegality or infirmity in the order of the trial Court and the learned Government Advocate (Crl.side) prays for dismissal of the revision petition.

5.The learned counsel for the petitioner contends that the confession statement given by the co-accused without any corroborative evidence, the petitioner name has been implicated in the FIR, is not a ground to discharge the petitioner from the charges, the same has to be considered only at the time of trial, after adducing other evidences etc. The above arguments put forth on the side of the petitioner to discharge the revision petitioner from the charges is liable to be rejected.

6.The further contention of the learned counsel for the petitioner is that the confession recorded by the petitioner is not true and the same is created by the prosecution to support their case. It is also admitted by the petitioner/A5 that he has also given confession statement before the respondent police, whether the evidence is true or not has to be decided during the course of trial, not in the present case. It is immature to decide the evidence of confession given by the revision petitioner is true or not.

7.In view of the above said circumstances, there was recovery from the petitioner/A5, who was found in possession of one number of Rs.1,000/- denomination high quality counterfeit Indian Currency was seized, the remaining amount after circulation which was received from A1 in the month of May 2014. Knowing it as counterfeit at the time of arrest on 14.08.2014 at 5.00hrs near Village Street, Manali, Chennai. A5/Prabakar appeared to have committed an offences punishable under Sections 489(C) for possession and 489(B) IPC for trafficking. From the above fact, the counterfeit currency was recovered from the revision petitioner, whether the said allegations is true or not

has to be decided only at the time of trial and after analysing the evidences adduced by the prosecution.

8. On reading of the entire statement recorded by the police there are incriminating materials available against the revision petitioner to presume that the accused would have committed the said offences. The learned counsel for the petitioner contended that there is no incriminating materials available to frame charges against the revision petitioner and prays to discharge the petitioner from the charges, is liable to be rejected. Hence, the above arguments put forth on the side of the petitioner to discharge the revision petitioner from the charges is liable to be rejected and the same is hereby rejected. This Court finds there is no illegality or infirmity in the order passed by the learned V Additional City Civil Court, Chennai and the same does not warrant any interference by this Court.

9. In the result, the criminal revision stands dismissed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

tsh

To

1. The V Additional District and Sessions Judge
City Civil Court, Chennai.

2. The Deputy Superintendent of Police
Crime Branch CID,
Counterfeit currency wing,
CB-CID, Chennai-8

3. The Public Prosecutor High Court Madras

Cr1.R.C.No.184 of 2016

aa23/09/2016