

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2016

(Orders Reserved on : 09.06.2016)

CORAM:

THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

Crl.R.C.No.244 of 2016

and

Crl.M.P.No.1667 of 2016

S.Siva ... Petitioner/Accused

Vs.

The Inspector of Police,
(W-32, All Women Police Station,
Madipakkam, Chennai. ... Respondent/Complainant

Prayer: Criminal Revision Case filed under Sections 397 and 401 of the Code of Criminal Procedure, praying to call for the records relating to the discharge petition in C.M.P.No.6783 of 2015 in C.C.No.803 of 2007, order dated 22.12.2015 on the file of the learned Judicial Magistrate, Alandur, Chennai-16, and set aside the same and allow the revision.

For Petitioner : Mr.S.Siva (Party-in-person)

For Respondent : Mr.M.Mohamed Riyaz,
Government Advocate (Crl.Side)

ORDER

This Criminal Revision Case is preferred by the petitioner praying to call for the records relating to the discharge petition in C.M.P.No.6783 of 2015 in C.C.No.803 of 2007, order dated 22.12.2015 on the file of the learned Judicial Magistrate, Alandur, Chennai-16, and set aside the same and allow the revision.

2. The petitioner, who appeared as party-in-person, would contend that the learned Judicial Magistrate, Alandur, had dismissed the discharge petition without considering the arguments put forth by him. The marriage between the petitioner and the complainant was solemnized on 26.04.2006, but in the complaint, the date of marriage is mentioned by the complainant

as 13.11.2005. Since there is a difference in the date of marriage itself, no case is made out against the petitioner during the date of marriage i.e., on 13.11.2005.

3. This Court heard the submissions made by the learned Government Advocate (Crl.Side) appearing for the respondent and perused the F.I.R. and entire records and also the written arguments filed by the petitioner. The question raised by the petitioner has to be considered only at the time of trial and it is not a proper stage to discard the evidence on the ground of allegations put forth on the side of the petitioner.

4. Considering the facts and circumstances of the case, this Court is of the considered view that there are incriminating materials against the petitioner to frame the charges against him. Only after adducing the evidence on the side of the prosecution alone, the arguments of the petitioner has to be considered. Now, it is not a proper stage to discharge the accused from the charges framed against him. Hence, this Court is of the considered view that there is no infirmity or illegality in the order passed by the learned Judicial Magistrate, Alandur, Chennai. This Court finds no reason to interfere with the order dated 22.12.2015 passed by the learned Judicial Magistrate, Alandur, Chennai, in C.M.P.No.6783 of 2015 in C.C.No.803 of 2007, which does not warrant any interference by this Court and hence, the criminal revision case deserves to be dismissed.

5. In the result, this Criminal Revision Case is dismissed. The learned Judicial Magistrate, Alandur, Chennai, is directed to post the case in C.C.No.803 of 2007 on day-to-day basis and to dispose of the same, within a period of three months from the date of receipt of a copy of this order and report the same to this Court. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Alandur, Chennai.
2. -Do- Thro The Chief Judicial Magistrate,
Chennai.

3. The Inspector of Police,
(W-32, All Women Police Station,
Madipakkam, Chennai.

4. The Public Prosecutor,
High Court, Madras.

Cr1.R.C.No.244 of 2016

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srg 03/08/2016



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