

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2016

(Orders Reserved on : 11.07.2016)

CORAM:

THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

Crl.R.C.No.863 of 2016

and

Crl.M.P.Nos.6607 and 6608 of 2016

C.N.Rajasekar ... Petitioner/Accused No.1

Vs.

State Rep. by
The Inspector of Police,
Termal Police Station,
Neyveli.
(Crime No.186 of 2014)

... Respondent/Complainant

Prayer: Criminal Revision Case filed under Section 397 r/w. 401 of the Code of Criminal Procedure, against the order dated 22.04.2016 made in Crl.M.P.No.1453 of 2015 in C.C.No.135 of 2015 on the file of the learned District Munsif-Cum-Judicial Magistrate, Neyveli, wherein the discharge petition filed by the petitioner under Section 239 of Cr.P.C. has been rejected.

For Petitioner : Mr.G.Saravanakumar

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

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ORDER

This Criminal Revision Case is directed against the order dated 22.04.2016 passed by the learned District Munsif-Cum-Judicial Magistrate, Neyveli, in Crl.M.P.No.1453 of 2015 in C.C.No.135 of 2015, dismissing the discharge petition filed by the petitioner/A.1 under Section 239 of Cr.P.C.

2. The learned counsel for the revision petitioner would mainly contend that the trial Court, without application of mind, dismissed the petition filed by the petitioner for discharge. It is further submitted that the trial Court ought to have weighed the overt act attributed by the first accused regarding Sections 147, 341, 294(b) and 352 IPC. The learned counsel for the revision petitioner also contended that there are no incriminating materials available on the side of the prosecution to frame charges against the revision petitioner/A.1 and hence, he prayed that the order of the

trial Court has to be set aside and the criminal revision case has to be allowed.

3. The learned Government Advocate (Crl. Side) would contend that the trial Court, after considering the entire facts and circumstances of the case, correctly passed an order dismissing the discharge petition filed by the petitioner and there is no infirmity or illegality in the order passed by the trial Court and hence, he prayed that the Criminal Revision Case has to be dismissed.

4. This Court has considered the submissions made by the learned counsel on either side and perused the entire records.

5. On a perusal of entire records, it is seen that there are incriminating materials available to presume that the revision petitioner/A.1 has committed the offences. At the present stage, this Court cannot decide the question as to whether the materials available are genuine or not and whether believable or unbelievable etc. The trial Court, after analysing the entire materials, came to a conclusion that there are incriminating materials available to frame charges against the revision petitioner/A.1 and dismissed the petition filed by the revision petitioner for discharge.

6. In view of the above, this Court is of the considered view that there is no infirmity or illegality in the order passed by the trial Court. This Court finds no reason to interfere with the order passed by the learned District Munsif-Cum-Judicial Magistrate, Neyveli, which does not warrant any interference by this Court and hence, the criminal revision case is liable to be dismissed. Accordingly, this Criminal Revision Case is dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

1. The District Munsif-Cum-Judicial Magistrate,
Neyveli.

2.-do- thro'The Chief Judicial magistrate,
Cuddalore.

3. The Inspector of Police,
Termal Police Station,
Neyveli.

4. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.G.Saravanakumar,advocate,sr.61171.

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krd 14/12

Cr1.R.C.No.863 of 2016



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