

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.08.2016

Coram

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

Crl.R.C.No.929 of 2016
and
Crl.M.P.Nos.7226 & 7276 of 2016

Murugammal

.. Petitioner/Accused No.2

Vs.

State Rep. by Inspector of Police,
Thiruppathur Taluk Police Station,
Vellore District.

.. Respondent/Complainant

Prayer :- Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C., praying to set aside the order passed by the learned Judicial Magistrate No.II, Thiruppathur, Vellore District, in Crl.M.P.No.478 of 2016 in C.C.No.109 of 2015, dated 10.06.2016.

For Petitioner : Mr.E.Kannadasan

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

ORDER

This criminal revision case is directed against the order dated 10.06.2016 passed by the learned Judicial Magistrate No.II, Thiruppathur, Vellore District, in Crl.M.P.No.478 of 2016 in C.C.No.109 of 2015, dismissing the discharge petition filed by the petitioner under Section 239 of Cr.P.C.

2. The learned counsel appearing for the petitioner would contend that regarding the petitioner/accused No.2, there are no incriminating materials available on the side of the prosecution to frame charges under Sections 147, 294(b), 323 and 324 of IPC, since at the time of alleged occurrence, the petitioner was in the Noon Meal Scheme Centre. Hence, the alleged occurrence against the present petitioner is not at all believable and maintainable and therefore, the learned counsel prayed that the criminal revision case may be allowed and the petitioner/accused

No.2 may be discharged from the charges framed against her.

3. The learned Government Advocate (Crl.Side) appearing for the respondent would contend that the documents produced on the side of the petitioner are not at all believable and acceptable one and its veracity has to be decided only at the time of trial. Hence, on the basis of the documents produced by the petitioner/accused No.2, she cannot be discharged at this stage. There is no infirmity or illegality in the order passed by the trial Court and hence, the learned Government Advocate prayed that the criminal revision case may be dismissed.

4. In this case, admittedly, there are incriminating materials available on the side of the prosecution to frame charges against the petitioner under Sections 147, 294(b), 323 and 324 of IPC. But, the main argument on the side of the petitioner is that at the time of alleged occurrence, she was performing her duty as an Organizer in the Noon Meal Scheme Centre and during inspection, it was found that she was present on 25.06.2014 at 11.00 a.m. in the Noon Meal Scheme Centre and hence, the petitioner may be discharged from the charges. Further, the argument adduced on the side of the petitioner is that she was not present in the place at that time of occurrence. The fact that whether the petitioner was present or not in the Noon Meal Scheme Centre has to be proved only at the time of trial, by producing defence witness and documents etc. At the present stage, the documents produced on the side of the petitioner cannot be tested. Hence, the argument of the learned counsel for the petitioner that the documents produced on the side of the petitioner have to be believed and accused has to be discharged cannot be accepted at this stage.

5. Hence, this Court is of the considered view that there are incriminating materials available to frame the charges against the petitioner/Accused No.2, under Sections 147, 294(b), 323 and 324 of IPC. There is no infirmity or illegality in the order passed by the trial Court. Hence, this Court finds no reason to interfere with the order dated 10.06.2016 passed by the learned Judicial Magistrate No.II, Thiruppathur, Vellore District, in Crl.M.P.No.478 of 2016 in C.C.No.109 of 2015, which do not warrant any interference by this Court and the criminal revision case is liable to be dismissed. Accordingly, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate No.II,
Thiruppathur, Vellore District.
- 2.-do- Thro The Chief Judicial Magistrate
Vellore
3. The Inspector of Police,
Thiruppathur Taluk Police Station,
Vellore District.
4. The Public Prosecutor,
High Court, Madras.

Cr1.R.C.No.929 of 2016

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