

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 05.01.2017
CORAM
THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN
CRL.RC.No.1133 of 2011
and
M.P.No.1 of 2011

Shankar

.. Petitioner/Defacto
Complainant/P.W.1

- vs -

1.The Inspector of Police
Thiruvannainallur,
Villupuram District.

2.Krishnapriya @ Priya
W/o. Srinivasan Reddiyar
Keezh Thaniyalampattu Village,
Ulundurpet.

.. Respondent /Respondent/P.W.2

Criminal Revision filed under Sections 397 and 401 of Cr.P.C., to call for the records and set aside the order dated 10.03.2011 passed in Crl.M.P.No.3861 of 2010 in C.C.No.120 of 2009, on the file of the learned Judicial Magistrate No.II, Ulundurpet.

For petitioner : Mr.R. Vivekananthan
For Respondent-1 : Mrs.M.F.Shabana
Govt. Advocate (Crl.side)
For Respondent-2 : Mr.S.Saravanakumar

ORDER

Dismissing the application filed by the defacto complainant under Section 319 of Cr.P.C., the present revision has been filed. Based on a complaint given by the petitioner, a criminal case was registered in Crime No.64 of 2007 against nine accused for an offence under Sections 147, 148, 294(b), 323, 324, 427, 448 and 506(ii) of IPC. After investigation, the respondent police also filed a final report and the same was taken on file in C.C.No.120 of 2009 on the file of the learned Judicial Magistrate No.II, Ulundurpet. During trial, P.Ws.1 and 2 gave evidence to the effect that one Krishnapriya was also involved in the offence and that she had not been included as an accused in the said case, and the said name of Krishnapriya was also found place in the First Information Report. In the said

circumstances, the Additional Public Prosecutor took out a petition under Section 319 of Cr.P.C., seeking to include her as an accused. The Trial Court, after due consideration, had dismissed the said petition holding that only chief examination of the P.Ws.1 and 2 had been completed. Even in the final report, the investigating officer had not mentioned anything about the said Krishnapriya and the cross examination of P.Ws.1 and 2 is still pending. Moreover, P.Ws.1 and 2 had not spoken anything about Krishnapriya and her name was not found in 161 statement also. Aggrieved against the said dismissal order, P.W.1 had preferred the present revision.

2. Heard the learned counsel for the parties and perused the materials available on record.

3. A perusal of the evidence of P.Ws.1 and 2 would show that during the examination of P.W.1, he had stated that the accused persons have attacked him with wooden log and pipe and that the said Krishnapriya had only abetted the accused persons to attack P.W.1, but, correspondingly there is no charge has been framed under Section 109 I.P.C.. P.W.2's evidence also does not contain any incriminating evidence against said Kirshnapriya.

4. In the above circumstances, I do not find any infirmity or illegality in the order passed by the Trial Court and hence, this Criminal Revision Petition is dismissed as devoid of merits. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

smi
To

1. The Judicial Magistrate No.I, Ulundurpet.
- 2 The Inspector of Police,
Thiruvannainallur, Villupuram District
- 3 The Public Prosecutor,
High Court, Madras

+1cc to Mr.R. Vivekananthan, Advocate, S.R.No.1456

vsn (CO)
md(07/03/2017)

CrI.R.C. No.1133 of 2011