

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.1090 of 2016
and
Crl.M.P.No.9457 of 2016

Kalaiselvi

.. Petitioner

vs.

1.State rep. by
Inspector of Police,
All Women Police Station,
Tirukoilur, Villupuram District.

2.Ananda Kumar

3.Vasanda

4.Sundaramurthy

... Respondents

Prayer: Criminal Revision filed under Section 397 and 401 Cr.P.C. to set-aside the order dated 31.05.2016 in Crl.M.P.No.6289 of 2015 in C.C.No.1648 of 2008 on the file of the learned Judicial Magistrate Court, Thirukoilur.

For Petitioner: Mr.K.R.Neelambar

For R1 : Mr.M.Mohammed Riyaz
Government Advocate (Crl.Side)

For RR2 & 3 : Mr.R.Rajarajan

For R4 : Mr.Arumugam

WEB COPY
O R D E R

This revision arises against the judgment of learned Judicial Magistrate, Thirukoilur, passed in Crl.M.P.No.6289 of 2015 in C.C.No.1648 of 2008 on 31.05.2016.

2.Heard both sides.

3.Learned counsel for the petitioner submits that in considering a petition under Section 319 of Cr.P.C, consideration of Limitations under Section 468 Cr.P.C would not immediately arise. This Court finds that in passing the order under challenge and dismissing the petition seeking the array of husband's sister by name of Mrs.Umarani as an accused, the Court below has informed as follows:

"In this case, no one has stated that the said Umarani, has made any demand of dowry. Hence, final report dated 25.10.2008 has been filed removing the name of said Umarani.

According to the prosecution, the limitation to include Ms.Umarani is barred under Sec.468 Cr.P.C. Moreover, P.W.1, during her deposition also know about the fact that Umarani's name has not been included. Even after, she failed to take steps on time. In such circumstances, Trial Court found the petition has no merits and hence dismissed.

Trial Court further observed that u/s.319 Cr.P.C., if any person is to included as accused, there should be specific over act done by that person. Even during police investigation, there is no deposition against Uma and it is only a subsequent development."

Taking into consideration all the above facts and circumstances, the Trial Court dismissed the petition seeking to include Ms.Umarani as fourth accused.

4.The Criminal Revision case shall stand dismissed.

5.Taking into consideration the submissions of learned counsel for respondents 2 to 4, that they have been facing the trial over a period of ten long years, this Court directs the Court below to dispose of the case in C.C.No.1648 of 2008 as expeditiously as possible, in any event not later than five months from the date of receipt of copy of this order. Connected MP.NO.closed.

WEB COPY

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rm

To

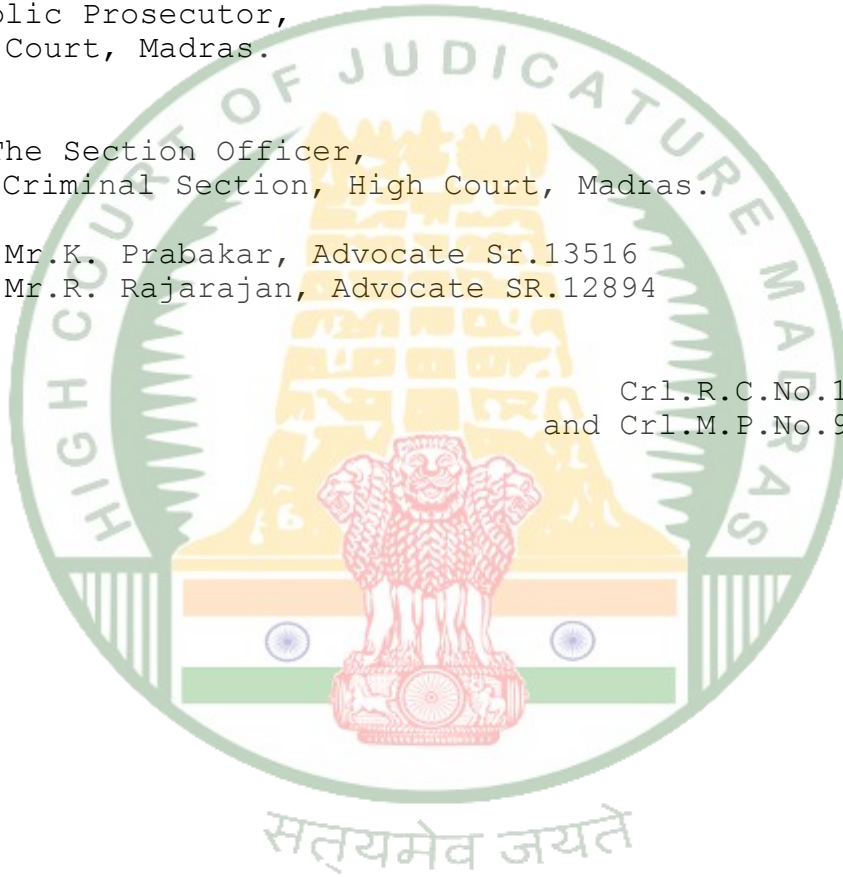
1. The Judicial Magistrate,
Thirukoilur.
2. -do- Thro' The Chief Judicial Magistrate,
Villupuram.
3. The Public Prosecutor,
High Court, Madras.

Copy to: The Section Officer,
Criminal Section, High Court, Madras.

- + 1 cc to Mr.K. Prabakar, Advocate Sr.13516
- + 1 cc to Mr.R. Rajarajan, Advocate SR.12894

CrI.R.C.No.1090 of 2016
and CrI.M.P.No.9457 of 2016

SV(CO)
EU 3/5/17



WEB COPY