

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2017

Coram

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl. R.C.No.969 of 2016

Ravi Petitioner

//vs//

1. The State of Tamilnadu
rep. By Inspector of Police,
CBCID, Salem.
2. S.R.Vetrivel
(the 2nd respondent is impleaded
as per order of this Court in Crl.M.P.No.
8168 of 2016 dated 12.08.2016) ... Respondents

Prayer: Criminal Revision Petition filed under Section 397 and 401 of the Code of Criminal Procedure to call for the records relating to the proceedings dated 09.06.2016 in Crl.M.P.No.975 of 2016 in S.C.No.90 of 2015 on the file of the Principal Sessions Court, Dharmapuri.

For Petitioner : Mr. K.Ilango,
Amicus Curie

For 1st Respondent : Mr. R.Ravichandran,
Government Advocate.

For 2nd respondent : Mr. R.John Sathayam

* * * *

ORDER

The petitioner is the defacto complainant in S.C.No.90 of 2015 on the file of the Principal Sessions Court, Dharmapuri. Earlier he filed an application in CrI.M.P.No.975 of 2016 in S.C.No.90/2015 under Sections 24, 301 and 302 Cr.P.C., before the Court below seeking to permit him to appoint a private pleader to assist the prosecution and to file a written submission after completion of examination of witnesses, which was allowed by the learned Sessions Judge by order dated 09.06.2016. Now, challenging the same, the defacto complainant himself filed a revision on the ground that he was not permitted to examine the witness, but he was only permitted to file written submission on completion of the examination of the witnesses.

2. Earlier, when the matter was taken up for hearing, the learned counsel appearing for the petitioner submitted that he had withdrawn his appearance. In the above circumstances, after considering the issue involved in this case, this Court, by an order dated 07.06.2017 appointed Mr.N.R.Elango, the learned Senior Counsel as Legal Aid Counsel for the petitioner. But, he expressed his inability to appear for the petitioner and thereafter, this Court appointed Mr.K.Elango, as Legal Aid counsel for the petitioner.

3. Heard Mr. K.Elango, the learned counsel appearing for the petitioner and Mr.R.Ravichandran, Government Advocate, learned counsel appearing for the first respondent and Mr.R.John Sathyam, learned counsel appearing for the second respondent and also perused the materials available on records carefully.

4.The petitioner filed a petition with the following prayer :-

"Therefore, the petitioner/informant/victim humbly prays that this Hon'ble Court may be pleased to permit the petitioner to appoint a private pleader to assist the Public Prosecutor, to file written submission to file necessary petitions/counter if the circumstances required by law, and to do necessary acts as per the procedure established in the above matter."

The Court below granted the relief as sought for by the petitioner, thereby, permitting him to appoint an advocate to assist the prosecution and file the written submission after

completion of examination of witnesses. Therefore, the relief sought for by the petitioner has already been granted by the Court below and in such circumstances, he cannot have any grievance. Now, his grievance that the Court below has not permitted him to conduct the trial cannot be entertained as he specifically sought permission only to assist the prosecution which was granted and he cannot turn around to contend that such permission included a right to conduct the trial. In the light of the above, I hold that the petitioner is not entitled to conduct the trial.

5. In the result, the Criminal Revision Case is dismissed.

6. While parting with the case, we appreciate the services rendered by Mr. K.Elango, learned counsel who appeared on behalf of the petitioner, as Legal Aid Counsel. The Legal Services Authority is directed to pay his remuneration.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Principal Sessions Judge,
Dharmapuri.
2. The Public Prosecutor,
High Court, Madras.
3. The Member Secretary,
Tamil Nadu Legal Services Authority,
Chennai. 104

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TR(04/12/2017)