



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDERS RESERVED ON 08.11.2016
ORDERS PRONOUNCED ON 03.01.2017

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CORAM:

THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

Cr1.RC(MD)No.528 of 2016
and
CRL MP(MD)No.6627 of 2016

1.Jeyaraman
2.Indirani
3.Duraimurugan
4.Ramachandran

: Revision Petitioners/Respondents/
Accused No 1 to 4

Vs.

The State Rep.by
The Deputy Superintendent of Police,
Tiruparankundram Sub-Division,
Madurai District.

(Crime No.587 of 2013) : Revision Respondent/Petitioner/
Complainant

Prayer: Revision is filed under Section 397 r/w 401 of Cr.P.C.,
praying to Admit the Revision Petition on file and set aside the
order passed in Spl.S.C.No.42 of 2015, dated 29.07.2016 on the
file of the III Additional District Judge (PCR Cases), Madurai.

For Petitioner : Mr.J.Jeyakumaran

For Respondent : Mr.P.Kandasamy
Government Advocate(Crl. Side)

O R D E R

The case was registered against the Petitioners in Crime
No.587 of 2013 dared 20.10.2013, for the alleged offence under
Sections 294(B), 323 and 353 of IPC., and under Section 3(1)(X) of
SC/ ST (POA) Act, as Special S.C.No.42 of 2015, before the III
Additional District Judge (PCR Cases) Madurai, for trial.

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2. The respondent filed the impugned petition before the
said Court to amend the name of the witnesses shown as L.W.7 and



L.W.8 in the charge sheet, who were said to be the issuing authorities of the Community / Caste Certificate in respect of the petitioners herein respectively as Thiru Anish Sathar and Thiru Manivannan. The Deputy Tahsildar, Headquarters at Thirumangalam Taluk Office since it was found that L.W.7 and L.W.8 were wrongly mentioned in the list of witnesses annexed with the charge sheet after hearing the objections of the revision petitioners herein, the trial Court passed the impugned order permitting the prosecution to examine them as additional witnesses in the case instead of amending the names of L.W.7 and L.W.8. The present Revision is against the order passed by the Court below.

3. The learned Government Advocate (crl.side) appearing for the respondent contends that L.W.7 and L.W.8 were wrongly mentioned in the list of witnesses annexed with the charge sheet due to some inadvertence mistake at the time of filing the charge sheet pending as Spl.SC.No.44 of 2015, on the file of the III Additional District Court, PCR Court, Madurai and the names of witnesses are Anish Sathar and Manivannan, according to the community Certificate produced by the prosecution in respect of the petitioners herein and hence, the petition to amend the name of L.W.7 Sumathi and L.W.8, Chinna Veerapandi respectively as Anish sathar and Manivannan respectively was filed and the trial Judge, after perusal of the entire records, has permitted to include them as additional witnesses instead of amending the names of L.W.7 and L.W.8 found in the list of witnesses of the charge sheet to arrive the first decision of the case in respect of the cast of the Petitioners / Accused relating to the offence under SC/ST (POA) Act, 1989 and there is no error in the impugned order.

4. The Community Certificates / Caste Certificates of the Petitioners are necessary to prove the charge under the SC / ST (POA) Act, and those certificates are produced and available in the said case. The prosecution is bound to prove those certificates in respect of the petitioners by examining the issuing officials. It is admitted by the respondent that no statements were recorded under Section 161(3) of Cr.P.C., from the additional witnesses but statement of L.W.7 viz., Sumathi and L.W.8 viz., Chinna Veerapandi were recorded during investigation. Evidence to be adduced to prove the caste of the petitioners is only on the basis of Community Certificates / Caste Certificates produced by the prosecution, which are available in this case. The impugned order permitting the witnesses shown in the margin as Additional witnesses will not cause any prejudice to the Petitioners herein. It is open to the revision petitioners to disprove the evidence of Additional witnesses in respect of the said community certificate during cross examination of the said witnesses. Considering the above facts and circumstances of the case, the learned Government Advocate does not find flaw in the impugned order passed by the Court below,



5. In the result, the Revision stands dismissed. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar()

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/True copy/

Sub Assistant Registrar

To

1.The III Additional District Judge (PCR Cases),
Madurai.

2.The Deputy Superintendent of Police,
Tiruparankundram Sub-Division,
Madurai District. .

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

MPK

AE/CM MSA/16.02.2017/3P/4C

Pre-Delivery Order made in

Cr1.RC(MD)No.528 of 2016
and

CRL MP(MD)No.6627 of 2016

Dated:-

03.01.2017