

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2018

CORAM:

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

Crl.R.C.No.37 of 2018

and

Crl.MP No.236 of 2018

Sivakumar

.. Petitioner

Vs.

1. The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.
(Crime No.236/2017)

2. K.Mohan

.. Respondents

Criminal Revision Case filed under Section 397 and 401 Cr.P.C. against the order dated 06.11.2017 made in Crl.M.P.No.203 of 2017 in S.C.No.83 of 2017 on the file of the Assistant Sessions Judge, Dharapuram.

For Petitioner : Mr.M.Guruprasad

For R1 : Mr.V.Arul,
Additional Public Prosecutor.

O R D E R

This Criminal Revision Case arises against the order dated 06.11.2017 made in Crl.M.P.No.203 of 2017 in S.C.No.83 of 2017 on the file of the Assistant Sessions Judge, Dharapuram.

2. Petitioner is the sole accused and final report has been filed informing commission of offence u/s 294(b), 307 and 353 IPC. Petitioner sought discharge from offence u/s 307 IPC in Crl.M.P.No.203 of 2017 in S.C.No.83 of 2017, which was dismissed by Court below under orders dated 06.11.2017. There against, petitioner has preferred the present revision.

3. Heard learned counsel for petitioner and learned Additional Public Prosecutor for first respondent.

4. The prosecution case is that the the defacto complainant/ Traffic Inspector was on duty when the petitioner drove his motorcycle into a one-way lane from the wrong direction. On being questioned, petitioner threatened and abused defacto complainant and picking up a beer bottle lying nearby broke it and set upon the defacto complainant. A case was registered in Crime No.236 of 2017 by first respondent. On completion of investigation, charge sheet has been filed informing commission of offences u/s 294(b), 353 and 307 IPC.

5. This Court has called for and perused Accident Register pertaining to the defacto complainant. The statement of LW-9, Doctor, who examined the defacto complainant, informs no particular injury suffered by the defacto complainant and states that he had suffered simple injury.

6. Being in no doubt that allegation of offence u/s 307 IPC is exaggerated, this Court would allow the present Revision case. The petitioner shall now, at best, be required to face trial for offences u/s 294(b), 353 and 324 IPC. As such offences are not triable by Sessions Court, such Court shall now follow the procedures prescribed under Section 228 Cr.P.C. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

kmi

To

1. The Assistant Sessions Judge, Dharapuram.

2. The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.

3. The Public Prosecutor, High Court, Madras-104.

4. The Judicial Magistrate, Dharapuram.

+1cc to Mr.M.GURUPRASAD, Advocate, S.R.No. 2924

CrI.R.C.No.37 of 2018

NRI (CO)

TR(03/04/2018)