

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL RC No.907 of 2018
and
CRL MP No.10424 of 2018

Sundarraaj,
S/o.Abel Raj.

..Petitioner/Accused-3

Vs.

State rep. by
Inspector of Police,
B3, Kattur Police Station (Crime)
Coimbatore-641018.
(Crime No.1202 of 2014)

..Respondent/Complainant

PRAYER: Criminal Revision petition filed under Sections 397 and 401 of the Code of Criminal Procedure, to set aside the order dated 31.05.2018 made in C.M.P.No.3721 of 2015 in C.C.No.197 of 2015, on the file of the learned Judicial Magistrate No.II, Coimbatore.

For Petitioner : Mr.V.Murugesan

For Respondent : Mrs.S.Thankira

Government Advocate (Crl.side)

O R D E R

The petitioner stood charged for the offence under Section 381 IPC. The petitioner filed an application in C.M.P.No.3721 of 2015 in C.C.No.197 of 2015, before the learned Judicial Magistrate-II, Coimbatore, for discharging him from the above charge and the trial court dismissed the application on 31.05.2018. Challenging the above said order, the present revision has been filed.

2.The case of the prosecution is that the petitioner along with one Chandran and Ramesh joined together and stolen 51 Nos. of M.S.Iron Rods, which were kept in front of the defacto complainant's shop M/s.Govindaraj & Co. Hence, the defacto complainant lodged a complaint before the respondent police. Based on the complaint, a criminal case was registered in Crime No.1202 of 2014 for the offence under Section 381 of IPC. After

investigation, the respondent police filed a final report for the offences under Section 381 of IPC and the Court below after taking cognizance of the offence, framed charges. Thereafter, the petitioner filed a petition under Section 239 of Cr.P.C in CrI.M.P.No.3721 of 2015 in C.C.No.197 of 2015 before the learned Judicial Magistrate II, Coimbatore, to discharge him from all the charges. The Court below dismissed the above said petition. Challenging the above order, the present revision has been filed.

3.Heard Mr.V.Murugesan, learned counsel appearing for the petitioner and Mrs.S.Thankira, learned Government Advocate (Criminal Side) appearing for the second respondent.

4. The learned counsel appearing for the petitioner would submit that though the petitioner has raised several grounds in the revision petition challenging the order of the learned Judicial Magistrate-II, Coimbatore, it would suffice if, liberty is granted to the petitioner to raise all the grounds before the lower Court and direct the lower Court to fix a time limit to complete the trial.

5.The learned Government Advocate (Criminal Side) would submit that after dismissal of discharge petition, summons were issued to P.W.1 to 5 to appear on 27.08.2018 towards their examination. The prosecution witness is to be examined from 27/08.2018 onwards and when the trial is in progress, nothing prevents the petitioner from raising all these grounds before the trial Court.

6.In view of the limited prayer sought for by the revision petitioner, this Criminal Revision Petition is disposed of, with liberty to the petitioner to raise all the grounds before the lower Court and the Court below is directed to complete the trial within a period of six months from the date of receipt of copy of this order without influencing any of the observations made by this Court. Connected miscellaneous petition is also closed.

rm

Sd/-

Assistant Registrar

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Sub Assistant Registrar

TO

1. The Judicial Magistrate No.II, Coimbatore.

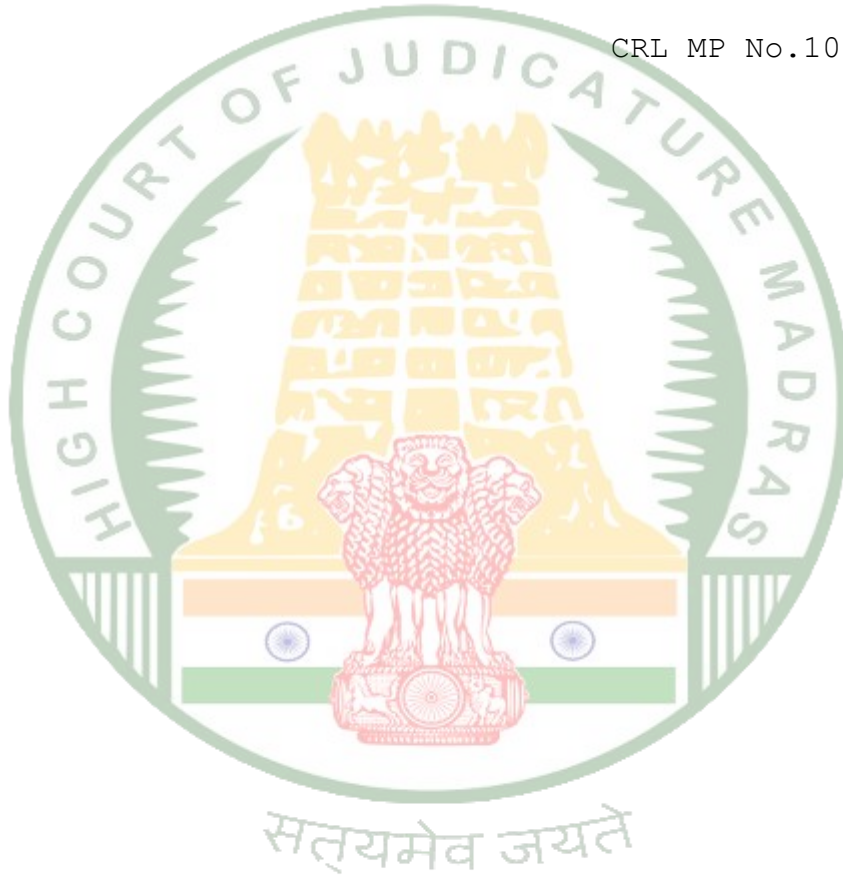
2. -do- thro The Chief Judicial Magistrate, Coimbatore.

3. Inspector of Police,
B3, Kattur Police Station (Crime)
Coimbatore-641018.
(Crime No.1202 of 2014)

4. The Public Prosecutor, High Court, Madras.

KR/17/0/18

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