

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2018

CORAM

THE HON'BLE Mr.JUSTICE N.ANAND VENKATESH

Crl.R.C. No.1518 of 2011

and

M.P.No.1 of 2011

Mathiazagan ..Petitioner/Accused

-vs-

State Rep.by
Station House Office,
Cuddalore Old Town,
Police Station,
Cuddalore District.

..Respondent/Complainant

Prayer: Criminal Revision Petition under Sections 397 and 401 Cr.P.C., against judgment dated 29.08.2011 in Crl.M.P.No.1547 of 2011 in C.C.No.107 of 2010 passed by the learned Judicial Magistrate No.II, Cuddalore.

For Petitioner : Mr.R.Muralidharan

For Respondent : Mrs.S.Thankira
Government Advocate

O R D E R

This Revision petition has been filed against the dismissal of the discharge petition filed by the petitioner.

2. The Court below after taking into consideration, the entire materials placed before it came to a conclusion that prima facie evidence is available in order to frame charges against the petitioner and to proceed with the trial. The petitioner seeks to rely upon certain documents on the ground that these documents will clearly prove that the petitioner has not committed any offence.

3. The Hon'ble Apex Court in more than one judgment has held that for considering a discharge petition, the Court has to take into consideration, the materials placed, including the final report and the statements and other materials filed along with it. At the stage of framing of charges, the Court cannot

take into consideration any materials that are produced by the accused persons. Useful reference can be made to the judgment of the Hon'ble Supreme Court, Syed Basher Ahamed and others VS. Mohammed Jameed and another reported in (2009) 1 SCC (Cri) 721.

4. This Court does not find any ground to interfere with the order passed by the trial Court. The Calendar Case is of the year 2010 and charges are yet to be framed. The trial Court is directed to frame charges and complete the proceedings within a period of 4 months from the date of receipt of copy of this order.

5. It is made clear that any observation made by this Court, while dismissing the discharge petition, shall not have any bearing on the trial Court, while deciding the case on merits and the trial Court shall take into consideration, only those materials that are placed before it, in the course of trial. For arriving at a final conclusion.

6. With the above directions, this Criminal Revision Petition is disposed of. Consequently, connected miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

dna

TO

1. THE STATION HOUSE OFFICE,
CUDDALORE OLD TOWN,
POLICE STATION,
CUDDALORE DISTRICT.

2. THE JUDICIAL MAGISTRATE II,
CUDDALORE.

3. THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4. THE CHIEF JUDICIAL MAGISTRATE,
CUDDALORE.

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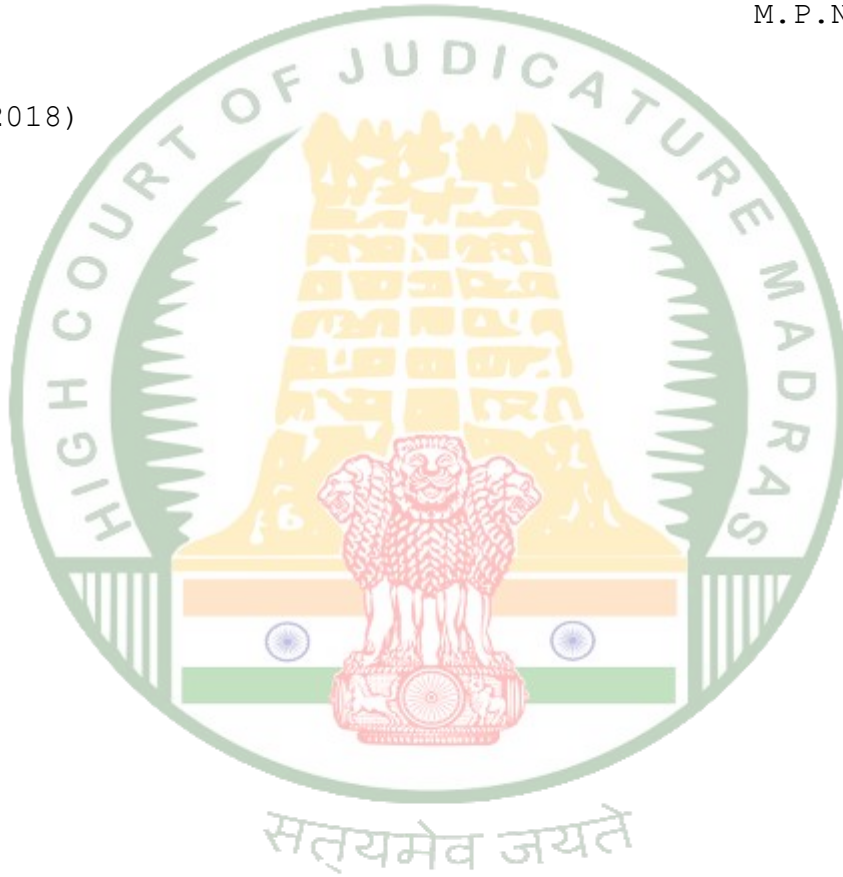
COPY TO

1. THE REGISTRAR (JUDICIAL),
HIGH COURT MADRAS.

2. THE SECTION OFFICER,
CRIMINAL SECTION, HIGH COURT, MADRAS.

Crl.R.C. No.1518 of 2011
and
M.P.No.1 of 2011

sai(CO)
TR(26/06/2018)



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