

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.495 of 2016

and

Crl.M.P.No.3261 of 2016

1. Arumugam

2. PushpavalliPetitioners/Accused 2 & 3

Vs.

State Rep. by
The Inspector of Police,
El, Ooty Rural Police Station,
The Nilgiris.
(Crime No.157/2015)Respondent/Complainant

Prayer :

This Criminal Revision Petition filed under Section 397 read with 401 of Code of Criminal Procedure to set aside the dated 29.02.2016 passed in C.M.P.No.72/2016 and discharge the petitioner from Special C.C.No.1/2016 on the file of the Mahalir Neethimandram (FTMC) and Sessions Judge of Nilgiris at Ootacamund.

For Petitioners : Mr.K.V.Sridharan

For Respondent : Mr. R.Ravichandran
Govt. Advocate (Crl.Side)

O R D E R

These Criminal Revision has been filed to set aside the above order and discharge the petitioner from Special C.C.No.1/2016 on the file of the Mahalir Neethimandram (FTMC) and Sessions Judge of Nilgiris at Ootacamund.

2. The petitioners herein are arrayed as accused 2 and 3 in Spl. C.C.No.1 of 2011 on the file of the learned District and Sessions Mahalir Neethimandram (FTMC), Udthagamandalam, Nilgiris. During the pendency of trial, the accused 2 and 3 filed a petition in C.M.P.No.72 of 2016 under Section 239 of Cr.P.C, seeking discharge from the offence under Section 506(i) IPC.

3. The allegation against the revision petitioners are

under section 506(i), for threatening the defacto complainant in his house on 13.10.2015. The trial Court after considering the rival submission made on either side, and perusing the documentary evidence, found that prima facie case made out against the accused under section 506(i) IPC and dismissed the application. Challenging the same, the accused 2 and 3 have filed a present revision before this Court.

4. The learned counsel for the revision petitioners would submit that the ingredients of Section 506(i) not made out against the petitioners. The trial Court without considering the ingredients of Section 506(i) of IPC, simply dismissed the said application, based on the statement given by the prosecution witnesses.

5. The learned Government Advocate (Crl. Side) would submit that there is prima facie allegation leveled against the revision petitioner and there is a material to proceed the case further. The innocence or defense of the respondent can be decided only after the trial and not at this stage.

6. Heard both sides and perused the records placed before me. While considering the petition for discharge under Section 239 Cr.P.C., documents filed by the prosecution under Section 173 of Cr.P.C. alone has to be looked into and not the defense taken by the accused. Therefore, on perusal of the entire records, especially the documents filed by the prosecution under section 173 Cr.P.C., and the statement recorded from the witnesses, prima facie case made out to proceed further against the accused. There is no perversity in the order passed by the learned Mahila Court to dismiss the petition under Section 239 Cr.P.C. There is no merits in the revision.

7. Accordingly, the Criminal Revision is dismissed. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

rli

To

1. The Mahalir Neethimandram (FTMC) and Sessions Judge, The Nilgiris. @ Ootacamund

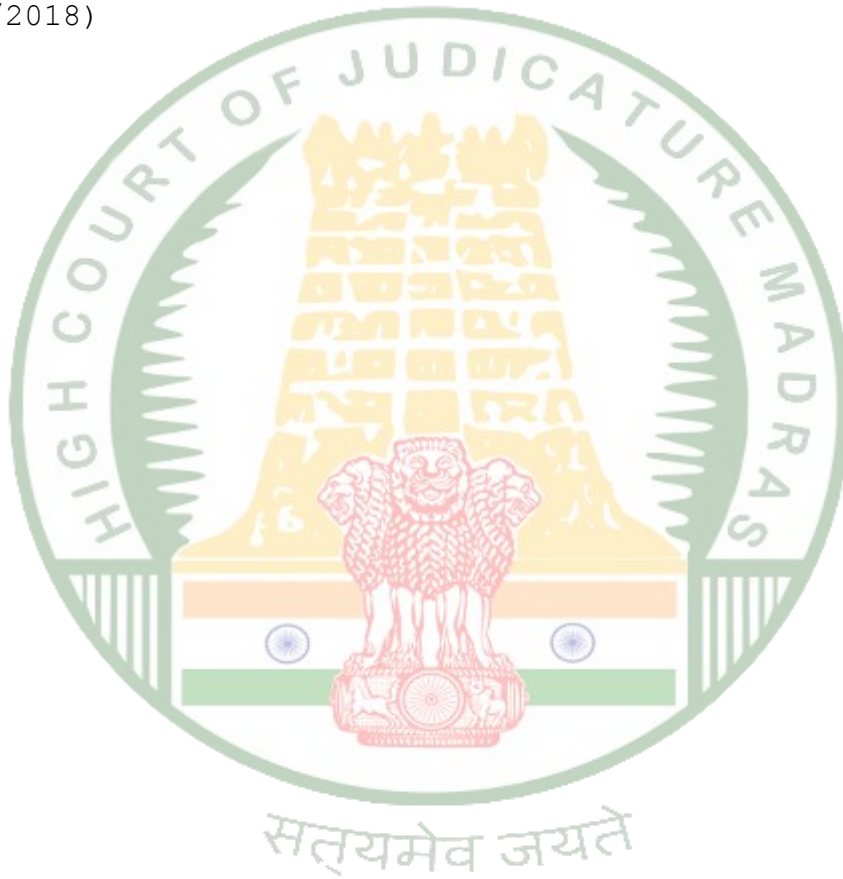
2. The Inspector of Police,
E1, Ooty Rural Police Station,
he Nilgiris. @ Ootacamund

+1cc to Mr.K.V.Sridharan, Advocate SR.No.62099

Cr1.R.C.No.495 of 2016
and
Cr1.M.P.No.3261 of 2016

MR (CO)

GMV (30/10/2018)



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