

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.807 of 2013 and
M.P.No.1 of 2013

O.Prasanthi

...Petitioner

Vs.

State by
The Inspector of Police,
Central Crime Branch Team 9,
Egmore, Chennai.
Crime No.723 of 2008)

...Respondent

This Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure to call for records and set aside the order passed in Crl.M.P.No.3943 of 2009 dated 10.06.2013 in C.C.No.12604 of 2008 made by the learned XI Metropolitan Magistrate, Saidapet, Chennai, pending trial.

For Petitioner : Mr.S.Sundaresan - No Appearance
For Respondent : Mr.V.Sarathadevi,
Govt. Advocate (Crl.Side)

O R D E R

When the matter is called for hearing none appeared on behalf of the petitioner. Since the revision is pending from the year 2013, this Court is inclined to dispose the revision on merit.

2 On a perusal of the records, it reveal that the petitioner/2nd accused filed a discharge petition in C.R.L.M.P.No.3943 of 2009 seeking discharge from CC.No.12604 of 2008 pending trial on the file of XI Metropolitan Magistrate, Saidapet, Chennai.

3 The learned Magistrate after hearing arguments advanced on either side, has dismissed the application by order dated 10.06.2013, by observing that there is prima facie allegation made out against the petitioner to frame

charge under Section 420 r/w 34 of I.P.C, against which the 2nd accused has preferred this preset criminal revision before this Court.

4 This Court has carefully gone through the order dated 10.06.2013 made by the Court below in C.M.P.No.3943 of 2009. It is well settled law that when there is prima facie allegation made out against the accused to proceed the case, the Court need not give any reason to dismiss the petition seeking discharge and reason has to be given only for discharging the accused. Hence this Court does not find any illegality or infirmity in the order passed by the Court below.

5 Further, it is settled proposition of law that while considering petition seeking discharge, the Court has to see the complaint and the documents filed by the prosecution under Section 173 of Cr.P.C. and not defence of the accused. In this case, a perusal of the documents produced by the prosecution, would go to show that there is much enough material to frame charge against the accused. The probative value of the materials need not be gone into at this stage and the same can be done only after trial.

6 In the result, the criminal revision is dismissed. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CSiv)

//True Copy//

Sub Assistant Registrar

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To

The XI Metropolitan Magistrate,
Saidapet, Chennai.

+1cc to Mr.S.Sundaresan , Advocate SR.No.54793

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M.P.No.1 of 2013

ASK(15/10/2018)