

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.17305 of 2018
and CRL.M.P.No.8961 of 2018

Prakash Reddy

.. Petitioner

Vs

State by

1.The Sub Inspector of Police,
Thally Police Station,
Krishnagiri District.

2.Muniyappa
3.Kantharaj
4.Manjunath
5.Anand

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to set aside dismissal of Cr.M.P.No.207 of 2018 in
C.C.No.15 of 2013 on the file of the District Munsif-cum-
Judicial Magistrate Court, Denkanikottai dated 02.05.2018.

For Petitioner : Mr.K.Thiruvengadam

For 1st Respondent : Mr.C.Raghavan, Govt. Advocate

O R D E R

The petitioner is the de facto complainant in C.C.No.15 of 2013, in which, the accused are facing prosecution for offences under Section 294[b], 323, 324 and 506[ii] IPC before the learned District Munsif-cum-Judicial Magistrate, Denkanikottai. Charges were framed against the accused and the petitioner was examined as PW1 on 29.08.2013. While so, the petitioner filed Crl.M.P.No.207 of 2018 in C.C.No.15 of 2013 under Section 301 Cr.P.C. to assist the prosecution and the same has been dismissed by the trial Court on 02.05.2018. Challenging which, the petitioner is before this Court.

2.Heard the learned counsel for the petitioner/de facto complainant and perused the impugned order.

3. Though the accused have been made as parties, this Court is of the view that it may not be necessary to admit this case, send notice to the accused and pass orders thereafter, because that will further prolong the trial before the trial Court.

4. Section 301[2] Cr.P.C. reads as follows:

"(2) If any such case any private person instructs a pleader to prosecute any person in any Court, the Public Prosecutor or Assistant Public Prosecutor in charge of the case shall conduct the prosecution, and the pleader so instructed shall act therein under the directions of the Public Prosecutor or Assistant Public Prosecutor, and may, with the permission of the Court, submit written arguments after the evidence is closed in the case."

5. There has been substantial amendments to the Code of Criminal Procedure by which, the victim is no more an alien in the proceedings. However, the de facto complainant cannot pray for further investigation or file applications under Section 311 Cr.P.C. or Section 91 Cr.P.C. on his own. He can only submit his written arguments with the permission of the trial Court, after evidence is closed.

6. In view of the above legal position, this petition is allowed and permission is granted to the petitioner/de facto complainant to engage a counsel to assist the Assistant Public Prosecutor in charge of the case. But, however, the de facto complainant can only file written arguments with the permission of the Court, after evidence is closed in the case. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VIII)

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Sub Assistant Registrar

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To

1. The District Munsif-cum-Judicial Magistrate Court,
Denkanikottai.

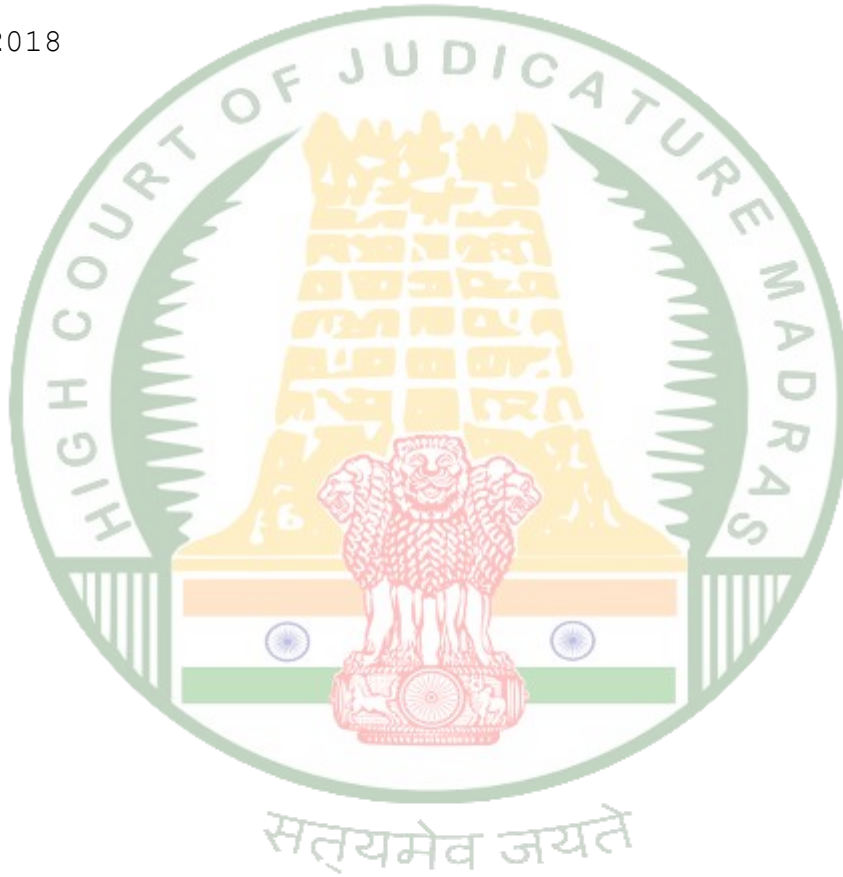
2.The Sub Inspector of Police,
Thally Police Station,
Krishnagiri District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Thiruvengadam, Advocate sr.no43814

CRL.OP.No.17305 of 2018

nr 11/07/2018



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