



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.07.2018

CORAM:

THE HONOURABLE MRS.JUSTICE.R.THARANI

Cr1.RC(MD)No.312 of 2017

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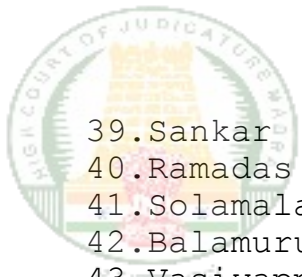
S.Baskar Mathuram

...Petitioner

-vs-

1.State represented through the
Sub-Inspector of Police,
Elumalai Police Station,
Madurai District.

- 2.Karuppaiya
- 3.Muthaiya
- 4.Vaasemalai
- 5.Karikalan
- 6.Palpandi
- 7.Mariappan
- 8.Kalimuthu
- 9.Sadaiyandi
- 10.Sankar
- 11.Vasiyappan
- 12.Selvam
- 13.Ramesh
- 14.Natesan
- 15.Rajendran
- 16.Vasimalai
- 17.Sankar
- 18.Seeni
- 19.Paramasivam
- 20.Jayaraj
- 21.Ponnaiah
- 22.Palanivel
- 23.Thangavel
- 24.Santhanam (Died)
- 25.Vasimalai
- 26.M.S.Veerabathiran
- 27.Bose
- 28.Pappaiya
- 29.Nagaraj
- 30.Rajendran
- 31.Krishnan
- 32.Ramakrishnan
- 33.Paramasivam
- 34.Muthuraman
- 35.Vasimalai
- 36.Perumal
- 37.Subbalaiah
- 38.Murugesan



39.Sankar
40.Ramadas
41.Solamalai
42.Balamurugan
43.Vasiyappan
44.Krishnaswamy
45.Ramalingam

...Respondents/Respondents

PRAYER: Criminal Revision filed Under Section 397 r/w Section 401 of the code of Cr.P.C., to call for the records of the trial court in Cr.M.P.No.174 of 2017 in Spl.S.C.No.15 of 2013 dated 17.02.2017 on the file of the III-Additional District and Sessions Court (PCR), Madurai and set aside the same.

For Petitioner	: Mr.A.Kannan
For 1 st Respondent	:Mr.M.Chandrasekaran, Additional Public Prosecutor
For R2 to R 45	: No appearance

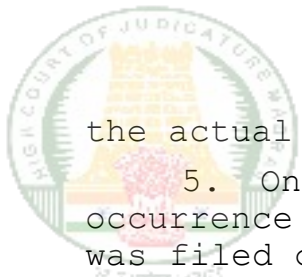
ORDER

This petition has been filed against the order passed by the III-Additional District and Sessions Court (PCR), Madurai in Cr.M.P.No.174 of 2017 in Spl.S.C.No.15 of 2013, dated 17.02.2017.

2.The case of the prosecution is that the respondents belonging to various communities and the complainant belonging to Hindu Pallar Community. On 02.11.2008 at about 08.15.pm., when a political party leader of 'Pudhiya Tamilzhaham and others were travelling in five vehicles in between Elumalai Bus Stand to Devar Statue, all the accused with deadly weapons followed the vehicles with an intention to commit murder and cause damages to the complainant's vehicle and humiliated him by uttering the community name, criminally intimidated them and caused injuries to two persons.

3.A case in Crime No. 171 of 2008, was registered for the offences punishable under Sections 147, 148, 341, 324,307 of I.P.C., 3 and 3 (1) (10) SC/ST Act, against the respondents. Charge sheet was filed and was taken on file in Spl.S.C.No.15 of 2013. The petitioner filed a petition for re-investigation before the lower Court and the same was taken on file in Crl.M.P.No.174 of 2017 and the petition was dismissed by the lower Court on 17.02.2017. Against the order, this petition has been filed.

4.On the side of the petitioner, it is stated that the petitioner has lodged a complaint against 350 persons. But the police has registered a case only against 45 persons. Moreover address of the petitioner is wrongly stated in the charge sheet and that it is stated that in the complaint it is stated that Hindu Devar community people indulged in the offence. But in the charge sheet, they have wrongly impleaded other community persons as accused. The petitioner has filed a petition for CBCID enquiry and has also filed a petition before the Secretary to Government on 11.02.2009. But no action was taken on those petitions. Only to save the prime accused, the police have filed charge sheet leaving out



the actual offenders.

5. On the side of the respondent, it is stated that the occurrence took place in the year 2008 and after that charge sheet was filed on 17.01.2010. No new documents or witnesses are available in this case, only to drag on the matter, this petition is filed, after a lapse of 7 years.

6. Records perused. On the side of the respondent, it is stated that the petitioner was examined on 03.11.2008 and again 06.11.2008 by the Investigating Officer. The case was taken on file 20.04.2012. Four accused persons have died and the case was filed against 36th accused was split up and the case was taken on file as Special case No.118 of 2016 and is in the trial stage now.

7. It is stated that the petitioner has filed a petition to the Secretary, Government against the Investigating Agency on 11.02.2009. Though no action was taken in that petition, the petitioner has not taken any steps, against the Investigating Agency till now. Though charge sheet was filed on 13.03.2012, no protest petition was filed by the petitioner before the trial court.

8. In the F.I.R., only names of two accused were given. The petitioner has stated that one Karuppaiah and Muthiah with 350 unknown persons were indulged in the offence. Those Karuppaiah and Muthiah are impleaded as accused Nos. 1 and 2 in the charge sheet. Even in this petition, the petitioner has not stated, who are all the prime accused. There is only a vague allegation that Investigating Agency want to safeguard some of the accused. There is no material to support the allegation that the prime accused is being left out. Even while filing this petition, the petitioner has not stated the name of the particular prime accused. Therefore, the contention of the petitioner is unbelievable.

9. On the side of the petitioner, it is stated that the address of the petitioner is wrongly stated in the charge sheet. It is stated that the petitioner is residing at 3/18, Main Road, Othakadai, Madurai, but in the charge sheet his address is stated as Gandhi Nagar, 6th Street, Sankarankovil. As the address of the petitioner is wrongly stated in the charge sheet, summons were issued only to the address given as permanent resident of the petitioner herein. But in the complaint Madurai residential address is given. If the petitioner was not examined by the Investigating Agency, his permanent residential address might not be known to the Investigating Officer. If the petitioner want his recent address to be added, he can file a memo before the lower Court to that effect. Though the address in the charge sheet was stated to be wrong, summons were sent to that address and it was served to the petitioner. Petitioner has filed this petition, on the date of hearing. The summons so sent to the wrong address, was known to the petitioner and he filed this petition on the date of hearing.

10. Records perused. Two reasons were stated in the petition. The first point is that the Investigating Agency is trying to safeguard the prime accused. Only name of two persons are stated in the complaint and both those persons are added as Accused Nos.1 and

2. A particular name or particular persons whom the investigating agency is trying to safeguard, is not stated in the petition.

11. The variation in the address given in the F.I.R., and in the charge sheet is not a serious matter as the summons sent to the old address came to the knowledge of the petitioner and even if the address is not correct, the petitioner can file a petition to alter the address. The occurrence took place in the year 2008 and the charge sheet was lodged in the year 2010, the case was taken on file in the year 2012 and by filing this petition, the petitioner is dragging on the matter. There is no merits in this petition.

12. Accordingly, this Criminal Revision Petition is dismissed.

Sd/-

Assistant Registrar (WRITS)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The III-Additional District and Sessions Judge,
III-Additional District and Sessions Court (PCR),
Madurai.

2. The Sub-Inspector of Police,
Elumalai Police Station,
Madurai District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

4. The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.A.Kannan Advocate in SR.No.73114.

DAS

DS/SKN-RSK/SAR-3 :07.08.2018: 5P/6C

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