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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 28.08.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.R.C(MD)No.830 of 2017

and

Crl.M.P. (MD)No.10250 of 2017

Sheeba

: Revision Petitioner/Petitioner/
De facto complainant

Vs.

1.The State of Tamil Nadu
Rep by Sub-Inspector of Police,
All Women Police Station,
Nagercoil, Kanyakumari District.

: 1st Respondent/1st Respondent/
Complainant

2.C.N.Suyambulingam,

3.Chellappan

4.T.Nagammal

5.C.Sutha

6.C.Latha

7.Ashok Kumar

: Respondents 2 to 7/
Respondents 2 to 7/
Accused Nos.1-3 and 5-7

PRAYER: Revision filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for the records pertaining to the C.M.P.No.3911 of 2017 in C.C.No.254 of 2012 on the file of the Judicial Magistrate Court-II, Nagercoil and to allow the Criminal Revision Petition and set aside the order of the learned Judicial Magistrate dated 15.09.2017.

For Petitioner	: Mr.M.R.Sreenivasan
For R-1	: Mr.A.Robinson, Government Advocate (Crl.side).
For R-3 to R-7	: Mr.S.Palani Velayutham
For R-2	: No appearance

ORDER

This Criminal Revision case is filed against the order dated 15.09.2017 passed in C.M.P.No.3911 of 2017 in C.C.No.254 of 2012 on the file of the Judicial Magistrate Court No.II, Nagercoil.



2. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Cr1.Side) appearing for the first respondent and the learned counsel appearing for the respondents 3 to 7.

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3. The revision petitioner herein is the complainant in Crime No.7 of 2012. She has alleged dowry harassment against her in-laws and one Mahavishnu, who is a distant relative of her in-laws. After investigation, the police has filed a final report against C.N.Suyambulingam and five others. Since there is no sufficient material evidence to prosecute the said Mahavishnu, his name was not found in the final report as accused.

4. The trial Court has framed the charges and started the trial. Three witnesses have been examined. P.W.1 is the de facto complainant, Sheeba. Now, she has filed a petition to include the said Mahavishnu as one of the accused. Her petition filed under Section 319 Cr.P.C was dismissed by the trial Court on the ground that from a reading of the records and the evidence of P.Ws.1 to 3, though there is some reference made about Mahavishnu, it does not form strong evidence against him to array as an accused invoking the provisions under Section 319 Cr.P.C.

5. The learned counsel appearing for the revision petitioner would point out the portion of the deposition, where the name of Mahavishnu is found. From the evidence of P.W.1, this Court finds that the said Mahavishnu has participated along with other relatives during the marriage negotiations. He has spoken high about the C.N.Suyambulingam, first accused and also there is some reference that the dowry amount of Rs.4,00,000/- was received by Mahavishnu, who in turn gave it to T.Nagammal (A3), the mother of the first accused. Except this, there is no serious allegation against the said Mahavishnu, found in her deposition. In the said circumstances, the trial Court has rightly gone through the deposition and found that no enough material is available to array the said Mahavishnu as additional accused.

6. This Court finds no reason to interfere with the well considered order of the Court below. Hence, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-IV)



- +1CC TO MR. M.R.SREENIVASAN, ADVOCATE IN SR.NO.80589.

DS RP SAR-4:11.09.2018: 3P/7C

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