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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.10.2018

CORAM:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.R.C. (MD) No.544 of 2018

and

Crl.M.P. (MD) No.7588 of 2018

Firoz .. Petitioner/ Petitioner/De facto Complainant

Vs.

1) Palanivel .. Respondent/ Respondent/ Accused No.1

2) State rep., by
The Inspector of Police,
All Women Police Station,
Sri Rangam,
Trichy City. .. Respondent/ Respondent/Complainant

Prayer: Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., to call for the records pertaining to the order passed by the Judicial Magistrate, Additional Mahila Court, Trichy, Trichy District in Crl.M.P.No.9222 of 2017 in C.C.No.62 of 2015 vide its order dated 09.08.2018 and set aside the same.

For Petitioner : Mr.M.Pitchai Muthu

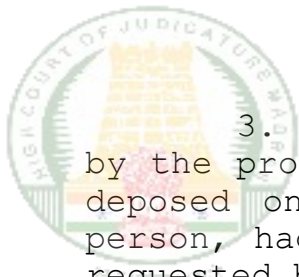
For R1 : Mr.B.Jameel Arasu

For R2 : Mr.A.Robinson, (Crl., Side)
Government Advocate

O R D E R

Heard the learned counsel for the revision petitioner and learned Government Advocate appearing for the second respondent and the learned counsel appearing for the first respondent/accused.

2. This revision is directed against the order passed by the Additional Mahila Court, Tiruchirappalli District dismissing the application filed by the *de facto* complainant to alter the charges against the first accused, who is facing trial for offence under Sections 294(b), 341, 352, 417 & 506(i) of I.P.C. In the petition filed before the trial Court, the victim has sought for alteration of the charge and try the first accused for offences under Section 312 & 313 I.P.C along with 506(ii) I.P.C, since there are enough



3. The trial Court, however, considering the materials placed by the prosecution and the deposition of P.W.1/victim girl, who had deposed on oath and subject to cross examination of the accused person, had found that there is no material to alter the charges as requested by the victim girl.

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4. This Court finds no reasons to interfere in the order passed by the trial Court, since the trial Court has considered all the materials before it and has arrived at a conclusion that there is no need to alter the charge and include Sections 312, 313 and 506 (ii) IPC against the first accused. However, it is to be noted that the Court of Criminal Procedure gives ample space for both to alter or modify the charges at any point of time, based on the evidence available.

5. As far as this case is concerned except P.W.1, no other witnesses have been examined. Based on the deposition of P.W.1, her complaint, her previous statement and the final report filed based on her complaint, so far, the trial Court has found that there is no material to add any new charge as claimed by the victim girl but if any other prosecution witness, in future, is able to place material which may give rise to frame charge against the accused for any other new offence, it is always open to the Court to do so under Section 216 of Cr.P.C.

6. With these observations, this Criminal Revision petition is disposed of. Consequently, connected CrI.M.P.(MD) No.7588 of 2018 is closed.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar(CS-I)

To

- 1) The Judicial Magistrate,
Additional Mahila Court,
Trichy District.
- 2) The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.B.Jameel Arasu, Advocate Sr.No.89997

STS

VB/BK/SAR1/11.12.2018/2P/4C

Order in

CrI.R.C. (MD) No.544 of 2018

10.10.2018