



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Twelfth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CRL MP (MD) No.8031 of 2018

IN

CRL RC (MD) No.855 of 2017

KALAIARASAN

... PETITIONER/PW1/PW1/PW1 &
DEFACTO COMPLAINANT

Vs

1 RAMASAMY

... PETITIONER/APPELLANT/
ACCUSED No.1/1st RESPONDENT

2 SUBRAMANIAN

... PETITIONER/APPELLANT/
ACCUSED No.2/2nd RESPONDENT

3 THE INSPECTOR OF POLICE,
KURUVIKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
IN CR NO. 247 OF 2012

... RESPONDENT/RESPONDENT/
COMPLAINANT/3rd RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to permit the petitioner to assist the prosecution through his counsel in the Criminal Revision petition in Crl.RC.No. 855/2017 on the file of this Honourable Court

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.P.SAMUEL GUNASINGH, Advocate for R1 & R2 and MR.A.P.G.OHM CHAIRMA PRABHU, Government Advocate(Crl.Side) for R3, and of the Petitioner not appeared either in person or by an Advocate, the court made the following order:-

The respondents / revision petitioners challenge the judgment dated 21.09.2017 made in C.A.No.107 of 2015 passed by the learned III Additional Sessions Court, Tirunelveli, in which the petitioner herein filed this miscellaneous petition to permit him to assist the Prosecution. The petitioner herein was examined as P.W.1.

2. The respondents / revision petitioners filed counter in this miscellaneous petition stating that this petition is not maintainable and the petitioner / defacto complainant filed



application either before the Magistrate Court or before the Sessions Court. He has not filed such application before the Sessions Court and now, this petition is filed for the first time and therefore, this miscellaneous petition is liable to be dismissed.

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3. Heard the learned counsel on either side.

4. It is not in dispute that the petitioner herein is the defacto complainant and he was examined as P.W.1. Therefore, under these circumstance, if permission is granted to the petitioner herein to assist the prosecution, no prejudice will be caused to the respondents / revision petitioners. Accordingly, this Miscellaneous Petition is allowed and the petitioner herein is permitted to assist the prosecution.

5. Post the Crl.R.C.(MD) No.855 of 2017 on 27.11.2018, for final hearing.

sd/-
12/11/2018

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE III ADDITIONAL SESSIONS JUDGE, TIRUNELVELI
- 2 THE INSPECTOR OF POLICE
KURUVIKULAM POLICE STATION, TIRUNELVELI DISTRICT,
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.8031 of 2018
IN
CRL RC(MD) No.855 of 2017
Date :12/11/2018

gns
PK/RR/SAR-4/19.11.2018 : 2P/4C