



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **16.02.2018**

CORAM:

THE HONOURABLE MR.JUSTICE **P.N.PRAKASH**
Cr1.R.C. (MD)No.98 of 2018
and
Cr1.M.P. (MD)No.1214 of 2018

Karu.Govindasamy : Petitioner
Vs.

1. The Deputy Superintendent of Police,
Pudukkottai Limit,
Pudukkottai.

2.Jayapal
3.Subramanian
4.Arumugham
5.Muthuvelu

: Respondents

PRAYER: Criminal Revision Case is filed under Sections 397 and 401 of the Criminal Procedure Code praying to set aside the order passed in Cr1.M.P.No.1500 of 2015 in S.C.No.49 of 2011, dated 04.04.2017 on the file of the learned Principal District Judge, Pudukkottai.

For Petitioner : Mr.A.V.Rajasekaran
For Respondent No.1 : Mrs.S.Bharathi,
Government Advocate (Cr1.side)

ORDER

On the complaint lodged by the petitioner, the first respondent police registered a case in Crime No.205 of 2008 and after completing the investigation, has filed a final report and the case is now pending in S.C.No.49 of 2011 on the file of the learned Principal District Judge, Pudukkottai, for the offences under Sections 294(b), 341, 342, 325, 506(ii) IPC and Section 3(1) (x) of SC/ST Act against the four accused. While so, the petitioner, who is the *defacto* complainant, filed Cr1.M.P.No.1500 of 2015 in S.C.No.49 of 2011 for a direction to the Trial Court to include the names of one Chinnadurai and Rengasamy as prosecution witnesses in the charge sheet. The said petition was heard by the Trial Court and the same has been dismissed on 04.04.2017, aggrieved by which, the *defacto* complainant has filed the present revision with a delay of 158 days. This Court has condoned the delay of 158 days in Cr1.M.P.(MD)No.1008 of 2018 and the main revision is taken up for hearing.



2. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side) for the first respondent.

3. At the outset, the petition filed by the *defacto* complainant in CrI.M.P.No.1500 of 2015 is not maintainable.

4. The learned counsel for the petitioner submitted that a private advocate has been permitted to assist the prosecution and, therefore, the *defacto* complainant can file such a petition before the Trial Court asking the names of the two persons to be included in the memo of evidence. This submission cannot be countenanced for the simple reason that the trial before the Sessions Court has to be done in accordance with Chapter - XVIII of the Code of Criminal Procedure. Section 225 Cr.P.C., states that the trial shall be conducted by the Public Prosecutor. The counsel appointed to assist the prosecution can only file written submissions at the time of final disposal and he cannot hijack the prosecution himself. In such view of the matter, this Court does not find any infirmity in the order passed by the Court below warranting interference. Hence, this revision is devoid of merits and accordingly, the same is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Principal District Judge,
Pudukkottai.

2. The Deputy Superintendent of Police,
Pudukkottai Limit,
Pudukkottai.

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

SML

VB/SV/MMS/SAR2/23.03.2018/2P/4C