

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 08.07.2019

CORAM
THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.RC.No.1092 of 2012
CrI.M.P.Nos.01 & 02 of 2012

1.Panchalai
2.Gangammal
3.Dhatchayini
4.Renuka

..... Petitioners/Accused 3,4,6 & 9

vs

State by,
Sub Inspector of Police,
G-3, Salavakkam Police Station,
Kancheepuram District.
(Crime No.139 of 2012)

..... Respondent /Complainant

Prayer Criminal Revision filed under Sections 397 & 401 of Code of Criminal Procedure, to set aside the order passed by the learned Judicial Magistrate, Uthiramerur, Kancheepuram District made in CrI.M.P.No.1590 of 2012 dated 22.06.2012 and consequently discharge the petitioners in C.C.No.34 of 2012 on the file of the learned Judicial Magistrate, Uthiramerur, Kancheepuram District.

For Petitioners: Mr.S.Sairaman

For Respondent : Mr.T.Shanmugarajendran
Government Advocate (CrI.Side)

ORDER

The respondent police registered a case against the revision petitioners and other six accused for the offences under Sections 147, 341, 294(b), 324, 506(ii) and 511 IPC in Crime No.139 of 2012. After completion of the investigation, the respondent police laid a charge sheet before the learned Judicial Magistrate, Uthiramerur, Kancheepuram District. The learned Judicial Magistrate, Uthiramerur, taken the charge sheet on file in C.C.No.34 of 2012.

2 During pendency of the case, all the accused have filed a petition under Section 239 Cr.P.C., to discharge from the charges alleged against them, in M.P.No.1590 of 2012. The

learned Judicial Magistrate, Uthiramerur, after hearing the arguments and also considering the materials found that, there is a prima facie against the petitioners therein hence, dismissed the petition. Challenging the said order dated 22.06.2012 in CrI.M.P.No.1590 of 2012, passed by the learned Judicial Magistrate, Uthiramerur, the revision petitioners alone filed a revision case before this Court.

3 The learned counsel for the revision petitioners would submit that originally the main accused are six persons. Subsequently, after investigation the respondent police laid a charge sheet against ten persons and there is no materials to show that the revision petitioners have involved in the offences and the ingredients as mentioned in the offences has been made out. Further, he would submit that these revision petitioners are ladies, they are not involved in this case, this fact has not been considered by the trial Court, which warrants interference of this Court.

4 The learned Government Advocate (Criminal Side) for the respondent would submit that originally the complaint was given against six persons subsequently, the investigation reveals that ten persons were involved in this case, including these revision petitioners. The learned Judicial Magistrate, Uthiramerur, rightly considered the report filed under Section 173 Cr.P.C., by the prosecution and found that there is a prima facie case against the revision petitioners to proceed further, hence the learned Judicial Magistrate, Uthiramerur, dismissed the petition, which does not warrants interference by this Court.

5 Heard the learned counsel for the petitioners as well as the learned Government Advocate (Criminal Side) for the respondent and perused the materials available on record.

6 It is well settled law that at the time of deciding, the petition under Section 239 Cr.P.C., the Court has to see the report filed by the prosecution under Section 173 Cr.P.C., if the materials produced by the prosecution reveals that there is a prima facie case made out against the accused, then the Court can frame charges and proceed further.

7 At this stage, this Court could not consider the defence taken by the accused and the documents produced by them. Though, the First Information Report was registered against six accused and subsequently, after the investigation the respondent police laid a charge sheet against four more persons. In this case, there is a prima facie case made out against all the accused including these revision petitioners. Under these circumstances, the defence taken by the revision petitioners at this stage need not to be looked into. Therefore, there is no

merit in this revision case hence, the Criminal Revision Case is liable to be dismissed.

8 The main case is pending for more than seven years, therefore the learned Judicial Magistrate, Uthiramerur, Kancheepuram District, is directed to frame the charge and dispose of the case in C.C.No.34 of 2012 in accordance with law, within a period of three months from the date of receipt of a copy of this order.

9 With the above direction, the Criminal Revision Case is dismissed. No costs. Consequently, the connected Criminal Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(Insp. Cell)

//True Copy//

Sub Assistant Registrar

sbn

To

The Judicial Magistrate,
Uthiramerur,
Kancheepuram District.

+1cc to Mr.S.Sairaman, Advocate, S.R.No.56809

Cr1.RC.No.1092 of 2012
Cr1.M.P.Nos.01 & 02 of 2012

SJ(CO)

RRS(12/07/2019)

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