

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.273 of 2019

&

Crl.M.P.No.2950 of 2019

Amuthavalli
Petitioner

..

Vs.

The Inspector of Police,
G3 Keelpakkam Police Station (L&O)
Keelpakkam, Chennai - 600 010.
(Crime No.634 of 2016).

... Respondent

Prayer:Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C., to set aside the order made on 11.01.2019 in Crl.M.P.No.20623 of 2017 in S.C.No.301 of 2017 on the file of the VI Additional Sessions Judge, City Civil Court at Chennai.

For Petitioner : Mr.S.Chandrabose

For Respondent : Mr.R.Ravichandran
G.A. (Crl.Side)

: Mr.E.Ezhil Caroline
for Defacto complainant

सत्यमेव जयते
O R D E R

The Criminal Revision Case has been filed by the petitioner under Section 397 read with 401 Cr.P.C., to set aside the order made on 11.01.2019 in Crl.M.P.No.20623 of 2017 in S.C.No.301 of 2017 on the file of the VI Additional Sessions Judge, City Civil Court at Chennai.

2.The respondent Police registered a case against the Revision Petitioner and others. The Revision Petitioner herein has arrayed as the 2nd accused for the offence under Sections 341, 324, 307 r/w 120(B) IPC against all the accused. After investigation, the respondent Police filed a charge sheet before the learned II Metropolitan Magistrate, Egmore, Chennai in

P.R.C.No.3 of 2017. Thereafter, the learned II Metropolitan Magistrate, Egmore, Chennai, committed the case to the Principal Sessions Judge, Chennai. The learned Principal Sessions Judge shall take the case on file in S.C.No.301 of 2017 and made over the same to VI Additional Sessions Judge, City Civil Court at Chennai.

3.The Revision Petitioner / Accused No.2 filed a petition in CrI.M.P.No.20623 of 2017 before the VI Additional Sessions Judge, City Civil Court, Chennai under Section 227 of Cr.P.C to discharge her from the above case and the same was dismissed. Aggrieved by the said dismissal order, the Revision Petitioner is before this Court.

4.The learned counsel for the Revision Petitioner would submit that the petitioner has not involved in this case and she has been falsely implicated in this case and also there is no materials to accuse her under Section 120(B) IPC and she has conspired with other accused persons and there is no prima facie case made out against her. The learned VI Additional Sessions Judge, has failed to consider these facts and the same warrants interference of this Court.

5.The learned Government Advocate (CrI. Side) would submit that there is prima facie case made out against the Revision Petitioner from the records submitted by the prosecution and also from the Final Report filed by the respondent police under Section 173(2)(1) Cr.P.C before the learned Judicial Magistrate. The learned Sessions Judge has considered the entire materials and dismissed the petition on the ground that prima facie case made out against the petitioner to proceed further and also the defence taken by the Revision Petitioner would be considered at the time of trial.

6.Heard both sides. Perused the records.

7.The respondent Police registered a case in Crime No.634 of 2016 for the offence under Sections 341, 324, 307 r/w 120(B) IPC against the accused including the Revision Petitioner who has arrayed as Accused No.2 and after completing the investigation has laid charge sheet. The learned Metropolitan Magistrate has taken the charge sheet on file in P.R.C.No.3 of 2017. Subsequently, after completing procedural formality committed the case to learned Principal Sessions Judge and the same was taken on file in S.C.No.301 of 2017 and made over the case to the VI Additional Sessions Judge, City Civil Court at Chennai. At this stage, the Revision Petitioner / Accused No.2 filed a petition in CrI.M.P.No.20623 of 2017 in S.C.No.301 of 2017 before the learned VI Additional Sessions Judge, City Civil Court, Chennai under Section 227 Cr.P.C. to discharge her.

8. On reading of the materials and the records submitted by the prosecution and also the Final Report filed under Section 173 Cr.P.C, prima facie case has been made out against this Revision Petitioner to frame charges and proceed the case further. Under these circumstances, there is no merit in the Revision.

9. It is well settled proposition of law while deciding a petition filed under Section 227 Cr.P.C. the records produced by the prosecution under Section 173 of Cr.P.C. has to be considered. If upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the learned Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing. If, after such consideration and hearing as aforesaid the Judge is of the opinion that there is a ground for presuming that the accused has committed an offence which is exclusively triable by the Court, he shall form a charge in writing against the accused.

10. Under these circumstances, the learned VI Additional Sessions Judge has rightly found that there is no sufficient grounds or materials to satisfy the Court to discharge the Revision Petitioner / Accused No.2 under Section 227 Cr.P.C., Hence, this Court does not find any perversity in the order passed by the learned VI Additional Sessions Judge, City Civil Court at Chennai in CrI.M.P.No.20623 of 2017 in S.C.No.301 of 2017 dated 11.01.2019. Hence, there is no merit and the Revision is liable to be dismissed.

11. Accordingly, this Criminal Revision Case stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
सत्यमेव जयते

Assistant Registrar(CS VI)

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Sub Assistant Registrar

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To.

1. The VI Additional Sessions Judge,
City Civil Court at Chennai.

2. The II Metropolitan Magistrate,
Egmore, Chennai.
3. The Chief Metropolitan Magistrate,
Egmore, Chennai.
4. The Principal Sessions Court,
Chennai.
5. The Inspector of Police,
G3 Keelpakkam Police Station (L&O)
Keelpakkam, Chennai - 600 010.
6. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.S.Chandrabose, Advocate, Sr.No. 17528

+1 cc to M/s.E.Ezhil Caroline, Advocate, Sr.No.17485

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CSL/27.06.2019



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