



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.856 of 2012

and

M.P.No.1 of 2012

M. Kandasamy

...Petitioner

Vs.

State rep. by Inspector of Police,
Mallur Police Station,
Salem.

Crime No.246 of 2007

...Respondent

The Criminal Revision Case is filed under Section 397 read with 401 of Code of Criminal Procedure, call for the records pertaining to the order dated 29.05.2012 passed by the learned Judicial Magistrate-VI, Salem in Crl.M.P.No.1353 of 2011 in C.C.No.36 of 2009.

For Petitioners : Mr.P.Rajkumar

For Respondent : Mr.T.Shanmuga Rajeswaran
Govt. Advocate (Crl. side)

O R D E R

The Criminal Revision Case has been filed to call for the records pertaining to the order dated 29.05.2012 passed by the learned Judicial Magistrate-VI, Salem in Crl.M.P.No.1353 of 2011 in C.C.No.36 of 2009.

2. Based on the complaint, the respondent police registered a case against two accused in Crime No.246 of 2007 for the offences under Section 147,294(b), 323, 352, 341, 427 and 506 (ii) IPC and filed a final report before the learned Judicial Magistrate-VI, Salem and the same was taken up on file in C.C.No.36 of 2009. After full fledged trial, the learned Magistrate posted the case for arguments. In the meanwhile, the defacto complainant invoked Section 319 Cr.P.C. and filed a petition for impleading four other persons as accused after lapse of four years and the same was dismissed.



3. Challenging the order dated 29.05.2012, the defacto complainant filed the present revision.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. side) and perused the materials available on record.

5. It is seen that the respondent police registered the case against the two persons in Crime No.246 of 2007 and filed the charge sheet before the learned Judicial Magistrate-VI, Salem and the same was taken on file in C.C.No.36 of 2009. After completing Section 313 proceedings, thereafter, the matter was posted for arguments.

6. In the meanwhile, the defacto complainant filed a petition under Section 319 Cr.P.C. to implead four other persons after the delay of four years. After enquiry, the learned Judicial Magistrate has rightly dismissed the petition. Even after knowing well, the Defacto complainant was examined himself as P.W.1 as early as on 12.11.2009, he filed a petition to implead four other persons in the year 2011 that too after completing the entire prosecution evidences.

7. Under these circumstances, this Court does not find any perversity in the order passed by the learned Magistrate-VI, Salem in C.C.No.246 of 2007, dated 29.05.2012 and there is no merit in the revision.

8. For the above reasons, the Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

rli
To

1.The Judicial Magistrate-VI, Salem.

2.The Chief Judicial Magistrate
Salem.

3. The Inspector of Police,
Mallur Police Station,
Salem.



4. The Public Prosecutor,
High Court, Madras.

5. The Section Officer
Criminal Section
High Court, Madras 104.

+1 CC to Mrs.N. Rajasenthooorapandian, Advocate sr 53398.

Cr1.R.C.No.856 of 2012
and
M.P.No.1 of 2012

EV(CO)
SP(04/09/2019)