

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 19.06.2019

CORAM:
THE HON'BLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.936 of 2012
and
M.P.No.1 of 2012

1. Govindaraj

2. Madhavan

3. Pormannan ... Petitioners/Petitioner/Accused

Vs.

State represented by
Inspector of Police,
Pochampalli Police Station,
Krishnagiri District.

... Respondent

Criminal Revision filed under Sections 397 and 401 Cr.P.C., praying to set aside the order dated 21.06.2012 made in Crl.M.P.No.5106 of 2011 passed by the learned District Munsif-cum-Judicial Magistrate, Pochampalli.

For Petitioner : Mr.N.Anand

For respondent : Mr.T.Shanmugarajeswaran
Government Advocate (Crl.Side)

O R D E R

This Criminal Revision has been filed to set aside the order dated 21.06.2012 made in Crl.M.P.No.5106 of 2011 in C.C.No.71 of 2011 passed by the learned District Munsif-cum-Judicial Magistrate, Pochampalli.

2. The case of the prosecution is that the respondent police registered a case against the revision petitioners on 17.04.2011 in Crime No. 174 of 2011 for the offence under Sections 294(b), 323 and 324 IPC. After investigation, the respondent police laid charge sheet before the learned District Munsif-cum-Judicial Magistrate, Pochampalli and the same was taken on file in C.C.No.71 of 2011. During pendency of the case in C.C.No.71 of 2011, the accused have filed a petition under Section 239 Cr.P.C in C.M.P.No.5106 of 2011 seeking discharge from the case. The learned Magistrate, after hearing the arguments on either side and also perused the reports filed by

the prosecution, found that there is a prima facie case pending against the revision petitioners/accused and dismissed the petition filed by the accused by an order dated 21.06.2012. Challenging the said order, the accused have filed the present revision before this Court.

3. This revision case was filed in the year 2012 and the same is pending for the past 7 years. Today, when the matter called, the learned counsel for the petitioners sought adjournment.

4. This Court has carefully considered the entire materials and also gone through the reports filed under Section 173 of Cr.P.C by the prosecution viz., FIR, Statement of the prosecution witness recorded under Section 161 Cr.P.C., especially the injured witness and also wound certificate.

5. On reading of the entire records, it is seen that there is a prima facie case against the petitioners.

6. It is the well settled proposition of law that while deciding the petition under Section 239 Cr.P.C., the Court has to see only the reports filed under Section 173 of Cr.P.C by the prosecution, not the defence taken by the accused. As already stated that a prima facie case is made out against the accused to proceed further in this case, this Court does not find any infirmity in the order passed by the learned Magistrate and there is no sound reason to interfere with the order under challenge.

9. Accordingly, this Criminal Revision Case stands dismissed. The learned District Munsif-cum-Judicial Magistrate, Pochampalli, is directed to dispose of the case in C.C.No.71 of 2011, within a period of two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-
सत्यमेव जयते

Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

kmi

To

1.The District Munsif-cum-Judicial Magistrate,
Pochampalli.

2.The Principal Sub Judge,
Krishnagiri.

3. The Inspector of Police,
Pochampalli Police Station,
Krishnagiri District.

4. The Public Prosecutor,
High Court, Madras-104.

Copy To:

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

Cr1.R.C.No.936 of 2012

VG I(CO)

RRS (21/06/2019)



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