

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.R.C.No.480 of 2016 and
CrI.M.P.No. 3184 of 2016

Pandian @ Thilakkumar

... Petitioner

Vs

State rep. by
Inspector of Police
All Women Police Station
Kottakuppam
Villupuram District
Crime No.1/2014

... Respondent

PRAYER: Criminal Revision Case is filed under Article 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order dated 06.02.2016 made in Cr.M.P.No.557/2015 in S.C.No.103/2015 on the file of the learned Sessions Judge, Magalir Neethi Mandram Fast Track Mahila Court) Villupuram, set aside the same.

For Petitioner : Mr.K.Selvakumaraswami

For Respondent : Mr.R.Ravichandran
Government Advocate

O R D E R

This Criminal Revision Case has been filed under Section 397 r/w 401 of Cr.P.C. to call for the records pertaining to the order dated 06.02.2016 made in Cr.M.P.No.557/2015 in S.C.No.103/2015 on the file of the learned Sessions Judge, Magalir Neethi Mandram Fast Track Mahila Court, Villupuram and to set aside the same.

2. The petitioner is an accused. The respondent police registered a case against the petitioner/accused in Cr.No.01/2014, U/s. 342, 376 IPC. After the investigation, the charge sheet was laid and thereafter, the case was committed to the Session Court, which was taken on file as S.C.103/2014. During the pendency of the Sessions case, the accused has filed a discharge petition in Cr.M.P.No. 577 of 2015 in S.C.No.103 of

2014. The learned Session Judge, after hearing, dismissed the petition and hence, the present revision.

3. The learned counsel appearing for the petitioner would submit that even though there is no material against him to substantiate the case of the prosecution that he has committed the offence under Section 376 IPC, the learned Session Judge failed to consider the statement made by the victim and the Forensic Report, and dismissal the petition for discharge. The learned counsel further would submit that the statement recorded under Section 164 Cr.PC given by the victim does not disclose any offence of commission of rape and at the most, the case made out is only for the offence under Section 354 IPC, and therefore prays for allowing the revision.

4. The learned Government Advocate appearing for the respondent would submit that charge was already framed for the offence under Section 376 IPC and also trial has been commenced.

5. A perusal of the records filed by the prosecution under Section 173 Cr.P.C. reveals that prima facie case has been made out against the petitioner. Considering the fact that charge already framed and trial also commenced and there is no valid reason to discharge the petitioner.

6. Under these circumstances, this Court does not find any perversity in the order passed by the learned Sessions Judge and if the petitioner is so aggrieved, he is at liberty to take the defences raised in the grounds of revision herein, during the trial.

7. Under these circumstances, the petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

kmm

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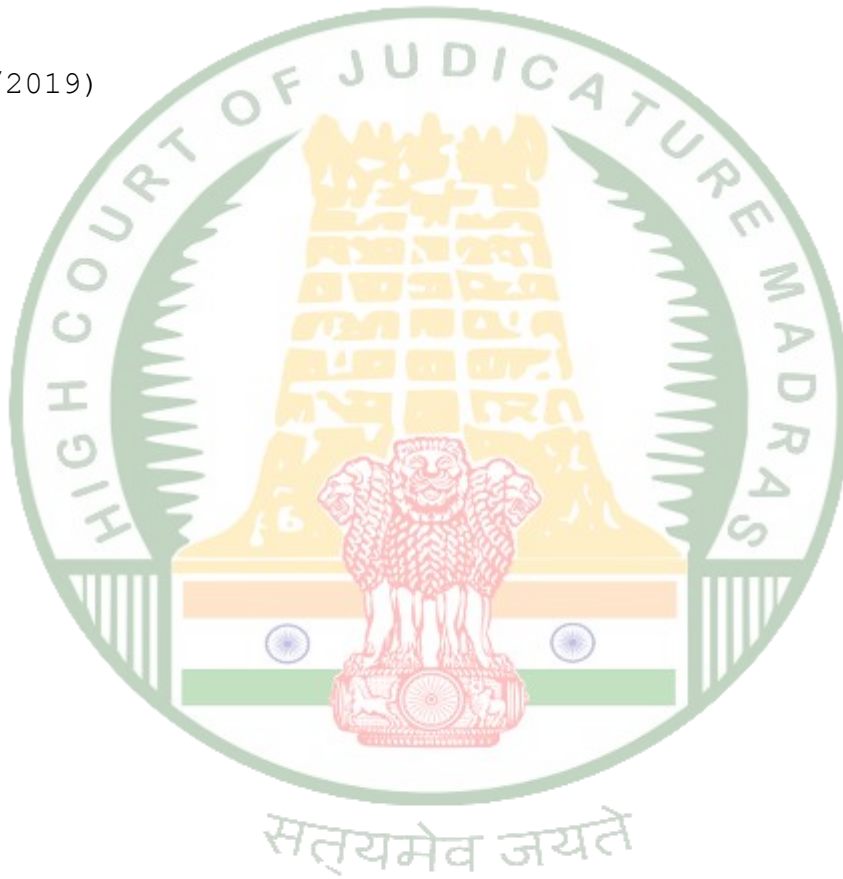
1. The Sessions Judge,
Magalir Neethi Mandram Fast Track Mahila Court,
Villupuram

2. Inspector of Police
All Women Police Station
Kottakuppam
Villupuram District
Crime No.1/2014

3. The Public Prosecutor,
High Court of Madras.

Crl.R.C.No.480 of 2016 and
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SPD(CO)
GMY(28/06/2019)



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