

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.852 of 2018 and

Crl.M.P.No.9772 of 2018

Saji Purushothaman ...Petitioner/Accused - 1

Vs.

State rep. By
Assistance Commissioner of Police,
D4, Anna Square Traffic Wing,
Chennai. ...Respondent/complainant

The Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure against the judgment and order dated 12.07.2018 made in Crl.M.P.No.10771 of 2018 in S.C.No.19 of 2014 passed by the learned VII Additional Sessions Judge, City Civil Court, Chennai.

For Petitioner : No Appearance

For Respondents : Mr.R.Ravichandran
Government Advocate (Crl.Side)

ORDER

The criminal revision has been filed against the order dated 12.07.2018 made in Crl.M.P.No.10771 of 2018 in S.C.No.19 of 2014 by the learned VII Additional Sessions Judge, City Civil Court, Chennai.

2 The facts leading to prefer this revision are as follows:

The petitioner is the first accused in S.C.No.19 of 2014. The respondent police registered a case against the petitioner and others. After investigation, filed a charge sheet under Sections 279, 337 (3 Counts), 338 (3 Counts) IPC and Section 185 (2 Counts) and 134 (a) (b) r/w. 187 M.V.Act and 304 ii IPC and the same was taken on file in S.C.No.19 of 2014. Pending the above case, the petitioner/A1 had filed miscellaneous petition in CrI.M.P.No.10771 of 2018 under Section 227 of Cr.P.C, before the learned VII Additional Sessions Judge, City Civil Court, Chennai seeking to discharge him from the offences under Sections 185 of MV Act and Section 304 (ii) of IPC in the above Sessions Case. The learned Sessions Judge, Chennai, after hearing both sides, dismissed the petition by order dated 12.07.2018 observing that prima facie, there are allegations made out against the petitioner/ A1.

3 Aggrieved against the above said order dated 12.07.2018, the petitioner/A1 has preferred the present revision before this Court.

4 When the matter was taken up for hearing on 18.02.2019 there was no representation for the petitioner. Hence, the matter is posted today. Even today, none appeared on behalf of the petitioner. Despite several opportunities given to the petitioner, there is no representation on his behalf.

5 The learned Government Advocate (CrI.Side) appearing for the respondent/police would submit that there is enough material to proceed against the revision petitioner. Even in the final report, the commission of offence by A1 and his main role in the case that A1 drove the vehicle in a high speed, like air craft has been clearly stated. The learned Sessions Judge, having found that there is prima facie allegation made out against this petitioner, has dismissed the discharge petition and there are no merits in the revision to set aside the order passed by the learned Sessions Judge.

6 Heard the learned Government Advocate (CrI.Side) appearing for the respondent and perused the materials placed before the Court.

7 A perusal of the records reveal that the respondent police has registered a case and after completion of the investigation, charge sheet was filed and the same was taken on file in S.C.No.19 of 2014. The learned Sessions Judge found that there is prima facie allegation made out against this petitioner and dismissed the petition filed by the petitioner seeking discharge from S.C.No.19 of 2014. It is well settled proposition of law that while considering petition under Section 227 of Cr.P.C. seeking discharge, the Court has to see the documents filed by the prosecution under Section 173 of Cr.P.C.

before the Court. 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.

8 Hence this Court does not find any reason to interfere with the order dated 12.07.2018 passed by the learned VII Additional Sessions Judge, City Civil Court, Chennai. The revision filed by the accused deserves to be dismissed on merits. Consequently, connected miscellaneous petition is closed.

sd/
ASSISTANT REGISTRAR

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

dh

To

1. The VII Additional Sessions Judge,
City Civil Court, Chennai.
2. The Assistance Commissioner of Police,
D4, Anna Square Traffic Wing,
Chennai.
3. The Public Prosecutor,
High Court of Madras.

Copy to

4. The Section Officer,
Criminal Section/Records
High Court, Madras

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VJ-II (CO)

TA-10/06/2019