



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 26.06.2019

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Criminal Revision No.603 of 2019
and
Crl.M.P.No.8256 of 2019

T.Annamalai

...Petitioner/Defacto
Complainant

Vs.

1.Perumal
2.Saravanakumar
3.Rajkumar
4.Periyasamy Reddy
5.Pratap
6.Praveen
7.Gowsalya Devi
8.Sumathi
9.Padmavathi
10.Chandra
11.Kavitha
12.Poosaali @ Sellakkannu
13.Thangam
14.Mosakkutti @ Sounthararajan
15.Chinnaponnu
16.Puttan @ Sakkara Murugesan
17.Anjali
18.Murugesan Ansari
19.Pancharathnam
20.Selvambal
21.Kanakkapillai

...Respondents/Accused

22.State through Sub Inspector of Police,
Kai Kalathur Police.

...Respondents/Complainant

PRAYER:Criminal Revision filed under Section 397 Cr.P.C. to set aside the order in Tr.CMP No.417 of 2019 in C.C.No.147 of 2016 dated 14.06.2019 on the file of the Principal District and Sessions Judge, Perambalur.

For Petitioner : Mr.K.Nagarajan

For Respondents : Mrs.P.Kritika Kamal for R22
Government Advocate (Crl. Side)



O R D E R

This criminal revision petition has been filed seeking to set aside the order in Tr.Crl.MP No.417 of 2019 in C.C.No.147 of 2016 dated 14.06.2019 on the file of the Principal District and Sessions Judge, Perambalur.

2. The petitioner/defacto complainant in C.C.No.147 of 2016 is pending on the file of the learned Judicial Magistrate, Perambalur. It is seen that C.C.No.147 of 2016 is not a private complaint case but a police charge sheet case. During the course of trial, the petitioner filed an application under Section 216 Cr.P.C for alteration of charges, which was dismissed by the learned Judicial Magistrate, Perambalur. Aggrieved by the dismissal order, the petitioner filed Transfer Crl.M.P No.417 of 2019 in C.C.No.147 of 2016 before the Principal District and Sessions Court, Perambalur for transferring the case from the file of the Judicial Magistrate, Perambalur Court to any other criminal court. The learned Principal and District Sessions Judge, Perambalur, has dismissed Transfer Crl.M.P.No.417 of 2019 on 14.06.2019, challenging which, the petitioner is before this Court.

3.Heard Mr.K.Nagarajan, learned counsel appearing for the petitioner and Mrs.P.Krithika Kamal, learned Government Advocate (Criminal Side) appearing for the respondent State.

4.It is seen that trial in the case has begun and witnesses have already been examined. At that stage, it is not open to the defacto complainant to file an application under Section 216 Cr.P.C. for alteration of charge. Therefore, the trial court was justified in dismissing the application filed by the petitioner/defacto complainant. When that being so, the dismissal of the application by the trial Court cannot be a ground to transfer the case, as rightly held by the Sessions Court.

5.In the result, the Criminal Revision Petition is dismissed. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

vri



To

1. The Principal District and Sessions Judge,
Perambalur.

2. The Public Prosecutor,
Madras High Court.

3. The Sub Inspector of Police,
Kai Kalathur Police Station.

CRL.R.C.NO.603 OF 2019

KS (CO)
GN (22/08/2019)