

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 05.11.2019
CORAM:
THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA
Crl.R.C.No.1192 of 2019
and
Crl.M.P.Nos.15875 & 15876 of 2019

Ramalingam

... Petitioner/Accused-1

Vs.

1.State represented by

Deputy Superintendent of Police,
Thittakudi,
All Women Police Station, Vriddhachalam,
Crime No.20 of 2007.

... Respondent/Complainant

2.R.K.Radhakrishnan

... Respondents/
defacto complainant

PRAYER: The Criminal Revision Petition has been filed, under Section 397 read with 401 Cr.P.C to call for the entire records in S.C.No.54 of 2016, on the file of the learned Sessions Judge, Mahila Court, Cuddalore, Chennai, and to set aside the order dated 27.09.2019, dismissing the petition in Crl.M.P.No.673 of 2018 and to discharge the petitioner by allowing this revision.

For Petitioner : Mr.A.M.Rahamath Ali

For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

J U D G M E N T

This Criminal Revision Case has been filed against the order passed in Crl.M.P.No.673 of 2018 in S.C.No.54 of 2016 by the learned Sessions Judge, Mahila Court, Cuddalore, Chennai, dated 27.09.2019, dismissing the petition filed under Section 227 of Cr.P.C.

2 The brief facts of the case are as follows:

(a) The petitioner is the first accused, being charged along with A2 and A3 for the offences under Sections 498(A) and 304 of IPC. As per the final report, the first respondent had contended that the petitioner was married to the deceased viz., Renuka on 07.06.2006 and at the time of marriage, a Sridhana of Rs.25,000/- and 30 sovereigns of jewels were given

by the parents of Renuka to the petitioner. After two weeks of marriage, additional sums of Rs.50,000/- and Rs.5,040/- were given to the petitioner to take visa for the deceased to visit to Dubai. Further averment is that the deceased was harassed by the petitioner in Dubai for not bringing the jewels. Thereafter, the deceased/Renuka had returned from Dubai and during that time, the accused 1 to 3 demanded money to repay their loan, as a result of which, the deceased committed suicide on 20.10.2017.

(b) On the complaint given by one Mr.R.K.Radhakrishnan, the brother of the deceased, a case came to be registered in Crime No. 20 of 2007 for the offences under Section 498 (A), 306 & 174 (3) Cr.P.C. The respondent police after completion of investigation had filed the final report for the offences under Section 498(A) and 304(B) of IPC against the petitioner and the parents of the petitioner. Thereafter, the petitioner had filed Crl.M.P.No. 673 of 2018 under Section 227 of Cr.P.C, seeking to discharge.

3 The petitioner had contended that the marriage between him and the deceased took place on 07.06.2006 and that he has not demanded dowry and that there was no allegation of demand of dowry by the deceased soon before her death and that during the time of occurrence, the petitioner was in Dubai and that he had came back to India only on 20.10.2007. In between, on 11.10.2006 the petitioner had taken the deceased to Dubai and brought her back on 08.12.2006 and once again, returned to Dubai on 11.02.2007. While the petitioner was in Dubai, the deceased had died on 19.10.2007 and even before the petitioner would come back from Duabi, the body of the deceased was cremated on 20.10.2007. Thereafter, a motivated complaint has been given based on the fabricated suicide note dated 19.10.2007 stated to have been written by the deceased. The petitioner contended that charges cannot be framed based on the fabricated suicide letter and hence, he had filed a petition seeking for discharge.

4 The respondent police had filed a counter, refuting the averments in the petition stating that there are sufficient materials for framing charges and the veracity of the suicide note can be decided only at the time of trial. The trial Court had dismissed the same stating the veracity of the letter can be investigated only at the time of Trial. As against the same, the present revision has been filed .

5 The learned counsel appearing for the petitioner would submit that the Trial Court failed to see that the charges cannot be framed based on the alleged suicide notes stated to

have been written by the deceased which have crept out only after eight days of the death of the victim and that when no other valid document is available, changes cannot be framed based on that and when that being so, the Trial Court had erred in dismissing the petition.

6 The learned Additional Public Prosecutor would submit that at the stage of discharge, the Trial Court cannot conduct a roving enquiry or conduct a mini trial to find out the veracity of the letter. Apart from that, there are other statements recorded from the witnesses, which are sufficient for framing charges against the accused. Further, the death has happened within one year of the marriage.

7 Heard both counsels and perused the materials placed.

8 Upon perusal of the materials, this Court is of the opinion that the veracity of the suicide letter can be decided only during the Trial by letting evidence. At this stage, the Court cannot conduct a mini trial to test the veracity. At the stage of framing of charges, the Court has to look into the availability of prima facie materials to frame charges. The trial after satisfying itself with regard to availability of materials has dismissed the petition. I do not find any infirmity in the order passed by the trial Court.

9 In the result, this Criminal Revision Petition stands dismissed and the order passed in CrI.M.P.No.673 of 2018 in S.C.No.54 of 2016 is confirmed. The petitioner is at liberty to raise all the above grounds at the time of the Trial during the relevant stage. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

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Sub Assistant Registrar

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To

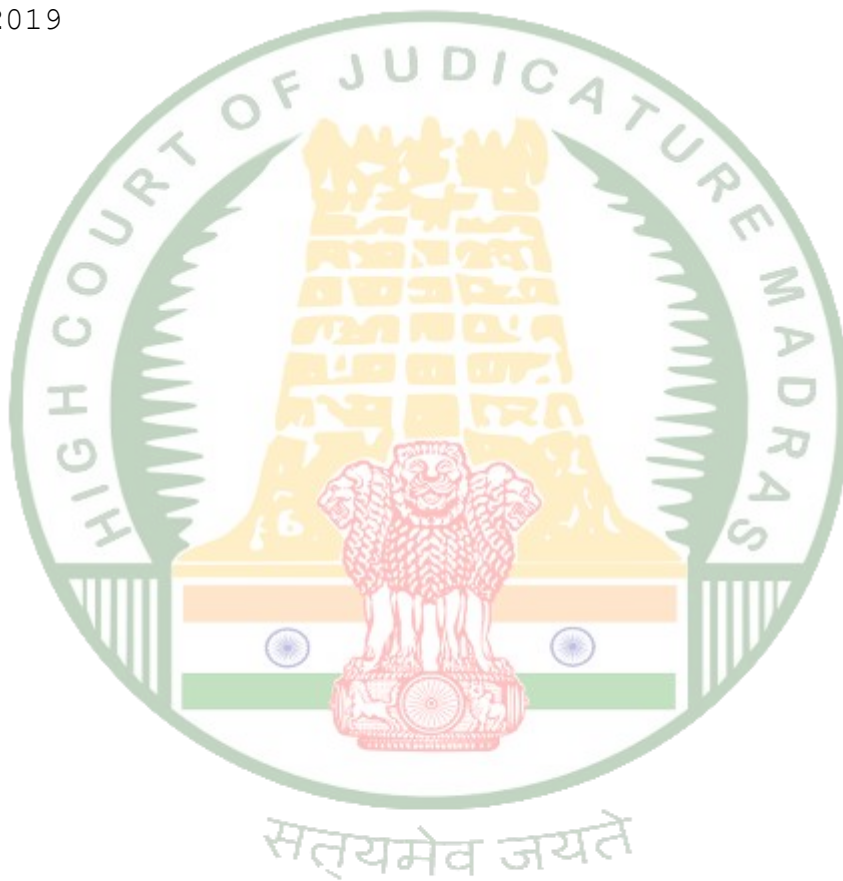
1. Deputy Superintendent of Police,
Thittakudi,
All Women Police Station, Vriddhachalam.

2.The Sessions Judge,
Mahila Court,
Cuddalore.

3.The Public Prosecutor,
High Court, Madras.

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nr 19/12/2019



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