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BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT
DATE : 31.10.2019
CORAM
THE HONOURABLE MR. JUSTICE V.PARTHIBAN
CRL. R.C. (MD) NO. 814 OF 2019
AND
CRL. M.P. (MD) 9385 & 9386 OF 2019

R.Sharmila .. Revision Petitioner/
Petitioner/Accused

- Vs -

M.Balusamy .. Revision Respondent/
Respondent/Complainant

Criminal Revision Case filed u/s 397 r/w 401 of the Code of Criminal Procedure, to call for the entire records relating to Crl. M.P. No.2130 of 2015 in Spl. S.C. No. 1 of 2015, passed by the learned Prl. Sessions Judge, Madurai, dated 20.3.2019.

For Petitioner : Mr. Babu Jagannath

ORDER

The present revision has been filed against the dismissal of the petition for discharge filed u/s 227 Cr.P.C. by the learned Principal Sessions Judge, Madurai.

2. It is the case of the petitioner that based on a false complaint, the court, taking cognizance of the same, issued summons and recorded the sworn statement of the complainant and the witnesses. However, it is the case of the petitioner that there is no iota of evidence. It is further averred by the petitioner that due to previous enmity between the petitioner and the respondent culminating in a complaint given by the petitioner against the respondent, the same was enquired and the respondent was warned and let off. Due to the above, the present complaint has been given by the complainant. However, the trial court, without noticing the above materials, erroneously dismissed the petition for discharge against which the present revision has been preferred.

3. Learned counsel appearing for the petitioner reiterated the contentions as placed before the trial court and as averred in the revision petition. It is the submission of the learned counsel for the revision petitioner that the trial court, without adverting to the materials on record, has erroneously dismissed the petition for discharge and the same is liable to be interfered with.

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4. This Court bestowed its best attention to the submissions advanced by the learned counsel for the petitioner and also perused the materials available on record as also the impugned order passed by the court below.

5. Even at the very outset, it could very safely be said that the trial court has not only gone into the materials in depth and analysed the same, but has also given cogent and convincing reasons for arriving at the said decision and the same has been put into by way of a detailed order. The trial court, adverting to the materials, has analysed the same in proper perspective and taking cue from the ratio laid down by the higher judicial forum, has given a well considered finding that when prima facie materials are there to proceed against the accused, it would be wholly unsafe to grant an order of discharge at the threshold itself. The trial court has held that the duty of the prosecution at the initial stage is only to establish a prima facie case and not a case beyond reasonable doubt. In such view of the matter, after careful consideration and recording of reasons, the trial court has dismissed the petition filed by the petitioner.

6. On a careful perusal of the said order, this Court is of the considered view that the well considered findings rendered by the trial court does not suffer from any infirmity calling for interference. There being no merits, this revision petition is liable to be dismissed.

7. Accordingly, this revision petition is dismissed. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

GLN

To

The Principal Sessions Judge, Madurai.

+1 CC to M/s.T.K.GOPALAN, Advocate SR-95519.

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