

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2020

CORAM

THE HON'BLE Mr. JUSTICE P.N. PRAKASH

Crl.R.C.No.616 of 2020
and
Crl.M.P.No.4618 of 2020

Sugumar,
S/o.Sigamani,
No.12, A-Block, Cemetery,
Shenoy Nagar, Chennai - 600 030.

... Petitioner/2nd Accused

Vs.

State represented by
The Inspector of Police,
K-6, T.P.Chatram Police Station,
Chennai-10.
(Crime No.715 of 2006) ... Respondent/Complainant

Criminal Revision Petition filed under Section 397 r/w
401 Cr.P.C. to set aside the order dated 24.02.2020 passed in
Crl.M.P.No.2127 of 2019 in C.C.No.2368 of 2010 on the file of
the V Metropolitan Magistrate Court, Egmore, Chennai.

For Petitioner : Mr.K.Balaji

For Respondent : Mrs.P.Kritika Kamal
Government Advocate
(Crl.Side)

ORDER

This case is taken up through video conferencing.

2. This criminal revision is filed seeking to set aside the order dated 24.02.2020 passed in Crl.M.P.No.2127 of 2019 in C.C.No.2368 of 2010 on the file of the V Metropolitan Magistrate Court, Egmore, Chennai.

3. Heard Mr.K.Balaji, learned counsel for the petitioner and Mrs.P.Kritika Kamal, learned Government Advocate (Crl.Side) for the respondent/State.

4. On 23.08.2006, the police registered a case in Crime No.715 of 2006 for the offences under Sections 353, 294-B and 506(I) IPC, against the petitioner and two others. After completing the investigation, the respondent/police filed final report, on which, cognizance was taken by the learned V Metropolitan Magistrate, Egmore, Chennai and numbered as C.C.No.2368 of 2010.

5. The petitioner filed a petition in CrI.O.P.No.463 of 2010 under Section 482 Cr.P.C., for quashing the FIR and the same was dismissed by this Court on 24.11.2014 on the ground that the investigation was completed and charge sheet was filed. Thereafter, the petitioner filed CrI.M.P.No.2127 of 2019 in C.C.No.2368 of 2010 under Section 468(2) Cr.P.C. on the ground that the prosecution is barred by limitation. The trial Court, by impugned order dated 24.02.2020, has dismissed CrI.M.P.No.2127 of 2019, aggrieved by which, the petitioner is before this Court.

6. The learned counsel for the petitioner took this Court through the CIS data uploaded in the website of the trial Court and submitted that the final report was filed only on 27.04.2010 and therefore, the same is barred by limitation as the maximum punishment for the alleged offences are less than three years.

7. This Court carefully considered the submission made by the learned counsel for the petitioner. Records show that the final report was filed on 05.12.2008 itself and the learned V Metropolitan Magistrate, Egmore Chennai, has put his signature on all the pages of the final report on 05.12.2008 itself.

8. In the light of such clinching material available on record in black and white, this Court cannot place any reliance on the CIS data uploaded in the website of the trial Court to conclude that the final report was filed only on 27.04.2010.

9. Just because cognizance was taken later and the case was numbered subsequently as C.C.No.2368 of 2010, it cannot be stated that the final report was filed beyond the period of limitation. This issue is no more res integra in view of the authoritative pronouncement of the judgment of the Supreme Court in Sarah Mathew Vs. Institute of Cardio Vascular Diseases and Others¹.

As a result, this criminal revision is dismissed as being devoid of merits. However, it is always open to the petitioner to raise all his defences available to him before the trial Court after the charges are framed during trial. The petitioner is directed to appear before the trial Court after the COVID-19 lock down is lifted and execute a bond for a sum

of Rs.10,000/- under Section 88 Cr.P.C. undertaking that he will not abscond and will participate in the trial. Connected CrI.M.P. is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

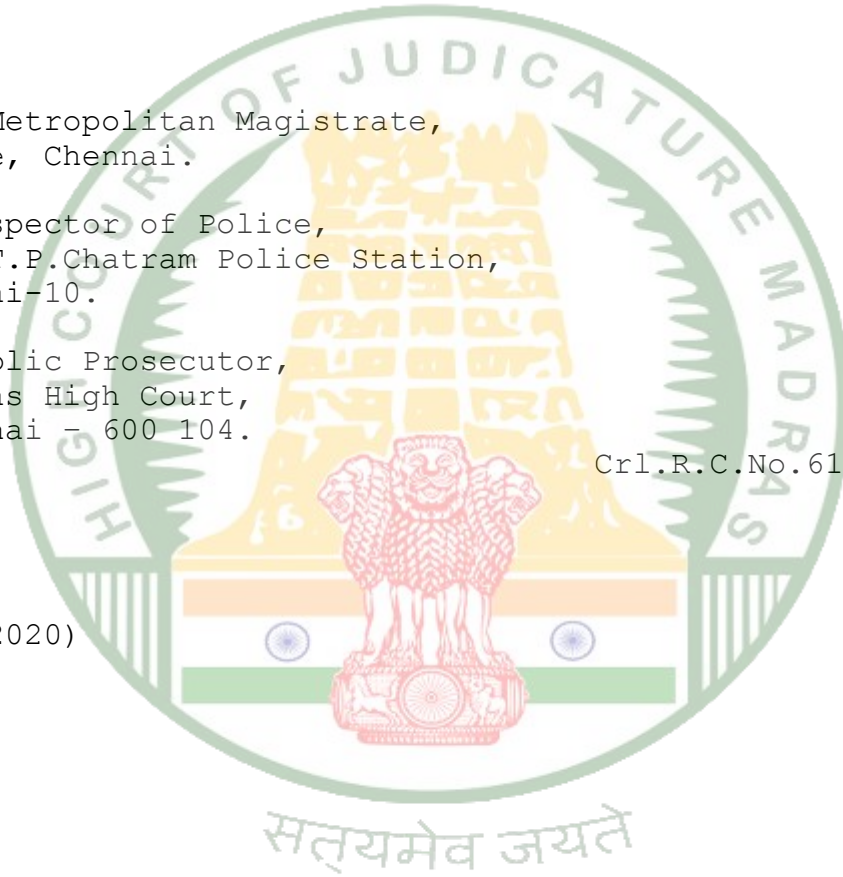
Nsd

To

1. The V Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
K-6, T.P.Chatram Police Station,
Chennai-10.
3. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

CrI.R.C.No.616 of 2020

SVI (CO)
GN (25/09/2020)



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