

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2020

CORAM

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN

Crl.R.C.No.1012 of 2017
and Crl.M.P.No.9549 of 2017

V.Jaganathan
S/o.Ramasamy Gounder
23/1, New State Bank Colony
Water Works Road
Thirunagar Colony
Erode-638 003.

... Petitioner

Vs.

T.Rameshkumar
S/o.Karuppannan
Staff No.C40619
Tamil Nadu State Transport Corporation Ltd.,
Erode Region, Chennimalai Road
Kasipalayam P.O., Erode-9.

... Respondent

(Cause title amended as per the order of
this Court dated 19.09.2019 in Crl.M.P.No.
11945 of 2017 in Crl.R.C.No.1012/2019).

Criminal Revision filed under Section 397 read with
Section 401 Cr.P.C. seeking to set aside the order dated
17.06.2017 in Crl.M.P.No.7892 of 2013 in C.C.No.16 of 2010 on
the file of the Judicial Magistrate No.II, Erode.

For Petitioner : Mr.M.Guruprasad

For Respondent : Mr.C.Prabakaran

O R D E R

This Criminal Revision Case has been filed seeking to set
aside the impugned order passed by the Court below rejecting
the application filed by the petitioner under Section 216 of
Cr.PC to alter the charge to Section 420 of IPC in respect of
the act of the respondent / accused.

2.The learned counsel for the petitioner has submitted
that the reasons adduced by the Trial Court for dismissal of
the application of the petitioner are not in consonance with
law and facts and that the findings of the Trial Court are
far-fetched when it is considered within the legal framework.

3.This Court has also heard the submissions of the learned counsel for the respondent on the submissions made by the learned counsel for the petitioner.

4.This Court has perused the impugned order passed by the Trial Court. The Trial Court has made an observation that only if new grounds arise as per Section 216 of Cr.PC upon investigation, charges can be altered.

5.Even though this Court is not interfering with the impugned order, it is made clear that if any claims are agitated on the basis of the material evidence, it is always open to the Magistrate to look into the issues and also invoke the relevant provisions including Section 420 of IPC. With this observation, the Criminal Revision Case stands disposed of. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KM

To

1.The Judicial Magistrate II, Erode.

2.The Public Prosecutor,
Madras High Court.

Copy to

3. The SO, Criminal Section
High Court, Madras.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.17665

+1cc to Mr.M.Guruprasad, Advocate, S.R.No.17582

GMR (CO)
Maya (29/05/2020)

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