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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRIMINAL REVISION CASE NO.78 OF 2021

Venkataramana

... Petitioner/Accused 8

..vs..

State represented by
The Inspector of Police,
CBCID, Krishnagiri District.
Crime No.3 of 2014

... Respondent/Complainant

Prayer:-

Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, to call for the records pertaining to the case in CrI.M.P.No.329 of 2019 in S.C.No.38 of 2019 pending on the file of Additional District Judge, Hosur and set aside the order dated 03.11.2020 passed in CrI.M.P.No.329 of 2019 in S.C.No.38 of 2019 on the file of Additional District Judge, Hosur.

For Petitioner : Mr.K.Ramanadha Reddy

For Respondents : Mr.A.Madhan
Government Advocate (CrI.Side)

O R D E R

This Criminal Revision Case has been filed to call for the records pertaining to the case in CrI.M.P.No.329 of 2019 in S.C.No.38 of 2019 pending on the file of Additional District Judge, Hosur and set aside the order dated 03.11.2020 passed in CrI.M.P.No.329 of 2019 in S.C.No.38 of 2019 on the file of Additional District Judge, Hosur.

2. The respondent police registered the case against the petitioner and others in Crime No.3 of 2014 for the offences punishable under sections 379, 120(b), 341, 364, 395 IPC r/w.120 (b), 302 r/w.120(b), 201 and 404 IPC. The petitioner is arrayed as A8 in this case. After investigation, the respondent police laid a charge sheet before the jurisdictional Magistrate and



after completing the formality, the learned Magistrate has committed the case to the District Judge in S.C and he has taken the case on file in S.C.No.38 of 2019 and made over to the Additional District Judge, Hosur.

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3. During the pendency, already the petitioner has filed the petition in Crl.M.P.No.329 of 2019 before the Additional District Judge, Hosur under section 227 Cr.P.C to discharge him from the case and the said petition was dismissed by the learned Sessions Judge. Aggrieved by the order passed by the Additional District Judge, Hosur, the petitioner is before this Court.

4. The learned counsel for the petitioner would submit that the petitioner is only owner of the lorry and there is no material against this petitioner and being only an owner of the vehicle, he is not involved in the case. Even the Sessions Judge pointed out that the petitioner was not present in the place of occurrence and there is no ground against this petitioner to frame the charges, but the learned Judge failed to consider the said aspect and dismissed the petition in Crl.M.P.No.329 of 2019.

5. The learned Government Advocate would submit that though the petitioner is owner of the lorry, he was also involved in this case. The petitioner (A-8) is the owner of vehicle which was driven by A1. Even the prosecution witnesses, in the statement recorded under section 161(3) Cr.P.C., stated about the involvement of this petitioner and that the petitioner also contacted directly and also over phone to some of the accused and that the petitioner also was fully knowing well that the vehicle is going to be used for the offence. Therefore, there are material evidence available against this petitioner and therefore, there is no merit in this case and the Crl.Revision is liable to be dismissed.

6. Admittedly, the petitioner has been arrayed as A8 in S.C.No.38 of 2019. Though the learned counsel for the petitioner would submit that except the fact that he is the owner of the lorry, there is no material against the petitioner. However, Mr.Madhan, learned Government Advocate (Crl.Side) pointed out that a reading of 161(3) Cr.P.C. statement recorded by the prosecution during the investigation would clearly show that prima facie there are allegations against the petitioner.

7. While deciding petition under Section 227 Cr.P.C, if the warrants case on police report as per Section 239 Cr.P.C., the Court has to see the final report filed by the investigating officer under section 173(2) Cr.P.C only. The Court need not look into the defense taken by the accused and the document produced by the accused. Especially under 227 Cr.P.C, if the Judge is satisfied that based on the grounds, the petitioner is



involved in the commission of offence, otherwise, if it is suspicious about his involvement in the commission of offence, the Court can frame the charge. However, if the Court finds that it is groundless, the Court can discharge the accused.

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8. A reading of the materials produced by the respondent police under section 173(2) Cr.P.C., would go to show that in the final report filed by the police, there is ground to frame the charge against the petitioner also. Therefore there is no merit in the Revision. Accordingly, this Criminal Revision case is dismissed. The trial Court is directed to frame the charge and dispose the case within a period of six months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mpa

To

1. The Additional District Judge, Hosur.
2. The Inspector of Police,
CBCID, Krishnagiri District.
3. The Public Prosecutor,
High Court, Madras.

Copy To

The Section Officer,
Criminal Section,
High Court, Madras-104.

+2cc to Mr.K.Ramanadha Reddy, Advocate, S.R.No.8230

CRL.R.C.NO.78 OF 2021

MG(CO)
CS/22/03/2021