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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28.10.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Cr1.R.C.No.329 of 2020

T.S.Dinakran

...Petitioner

Vs.

State represented by  
Inspector of Police  
CCIW CID,  
Cuddalore

...Respondent

Prayer: Criminal Revision is filed under Section 397 and 401 of Criminal Procedure Code praying to set aside the order in C.M.P.No.3287 of 2019 in C.C.No.291 of 1998 on the file of learned Judicial Magistrate No.II (FAC) Villupuram, dated 06.01.2020 and discharge petition.

For Petitioner : Mr.K.Selvarangan

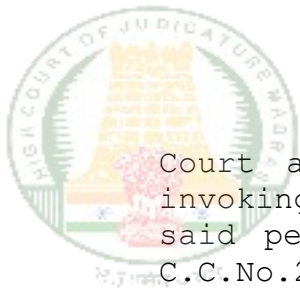
For Respondent : Mr.S.Sugendran  
Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The Criminal Revision Case has been filed against the order in C.M.P.No.3287 of 2019 in C.C.No.291 of 1998 dated 06.01.2020 passed by the learned Judicial Magistrate No.II (FAC) Villupuram.

2. The respondent police registered a case in Crime No.1 of 1997 against the petitioner and two others for the offence under Sections 120(b) read with 420, 477A and 420 read with 109 IPC. The petitioner has been shown as A3 in the said case. After investigation, the respondent police laid charge sheet before the learned Judicial Magistrate No.II (FAC) Villupuram and the learned Magistrate taken cognisance of the charge sheet on file in C.C.No.291 of 1998. During pendency of the above Calender Case, the accused one after another failed to appear before the



Court and after a period of 20 years, the petitioner herein invoking Section 239 Cr.P.C. filed a petition for discharge. The said petition was taken on file in C.M.P.No.3287 of 2019 in C.C.No.291 of 1998. The learned Magistrate after hearing both sides, dismissed the petition by order dated 06.01.2020. Challenging the said order, the petitioner/accused has filed the present revision before this court.

3. When the matter is taken up for hearing today, the learned Counsel appearing for the petitioner seeks time.

4. It is seen that the matter is pending from the year 1998. In the impugned order, the learned Magistrate has given reason for not disposing the case for the last two decades. Therefore, this Court is not inclined to adjourn the matter and decided to dispose the same on merit.

5. Heard the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials on record.

6. A perusal of record shows that the petitioner is arrayed as A3 in the above said case for commission of offence under Sections 120(b) read with 420, 477A and 420 read with 109 IPC along with other accused. It is settled proposition of law that at the time of deciding the petition under 239 Cr.P.C., the Court has to see the final report filed by the Investigating Agency under Section 173 (2) Cr.P.C. along with the documents and statements annexed with the final report and if it reveals any prima facie case and incriminating materials, the Court can frame charge and the Court need not conduct roving enquiry regarding validity and admissibility of the documents and that the defence taken by the accused need not be considered at that stage.

7. From the available records, this Court finds that prima facie case is made out against the petitioner/accused and there are enough materials to proceed with the case against the petitioner/accused. Therefore, under these circumstances, this Court does not find any merit in this case and there is no perversity, illegality or infirmity in the order passed by the learned Magistrate. Therefore, the revision is liable to be dismissed. Accordingly, this Criminal Revision Case is dismissed on devoid of merit.

8. Since the case in C.C.No.291 of 1998 is pending from the year 1998, the learned Judicial Magistrate No.II (FAC) Villupuram, is directed to conduct the trial on day to day basis



without giving any unnecessary adjournment and dispose of the case within a period of 6 months from the date of receipt of copy of this order and the petitioner/accused is directed to co-operate for the early disposal of the trial.

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Sd/-

Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

ksa-2/dsn

To

1. The Judicial Magistrate No.II (FAC)  
Villupuram
2. Inspector of Police  
CCIW CID, Cuddalore
3. The Public Prosecutor Officer,  
High Court, Madras.

Cr1.R.C.No.329 of 2020

PCH(CO)  
CB(01/12/2021)