

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2021

C O R A M

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CRL.R.C.NO.212 OF 2021
&
CRL.M.P.NO.4911 OF 2021

Narasinga Perumal

... Petitioner/
Accused

Vs.

The Inspector of Police,
Arakkonam Town Police Station.
Vellore District

... Respondent/
Complainant

(Crime No.100 of 2018)

PRAYER: Criminal Revision Case filed under 397 r/w 401 of Cr.P.C. to set aside the order passed in Crl.M.P.No.1087 of 2019 in Spl.S.C.No.48 of 2018, dated 04.10.2019, on the file of the learned Principal Sessions Judge, Vellore and discharge the petitioner from all the charges.

For Petitioner : Mr.R.Karunagaran

For Respondent : Mrs.T.P.Savitha
Government Advocate (Crl.Side)

सत्यमेव जयते
O R D E R

Challenging the impugned order passed in Crl.M.P.No.1087 of 2019 in Spl.S.C.No.48 of 2018 dated 04.10.2019 for dismissing the application filed under Section 227 of Cr.P.C. to discharge the petitioner from the charges leveled against him, the present revision has been filed.

2. The respondent-Police registered a case against the petitioner in Crime No.100 of 2018, for the offence under Sections 3(1)(g) of SC/ST Atrocity Act-2015, 427, 435 of IPC and 3 of PPD Act. After investigation laid charge sheet. Since the offence alleged is exclusively triable by the Court of Sessions, the learned Principal Sessions Judge, Vellore, taken the case on

file in Spl.S.C.No.48 of 2018. During the pendency of the Sessions Case, the petitioner filed the petition under Section 227 of Cr.P.C. to discharge him in the case. The learned Judge, after enquiry, dismissed the petition by order dated 04.10.2019. Challenging the said dismissal order passed by the learned Sessions Judge, the petitioner has filed the present revision before this Court.

3. The learned counsel for the petitioner would submit that the provision under Section 3(1)(g) of SC/ST Atrocities Act, would not attract in this case, because the property belongs to the father of the defacto complainant was acquired by the Indian Railways Department for forming new railway track and he was also received a sum of Rs.4,08,251/- from the Revenue Department and the petitioner is no way connected in this case as alleged by the defacto complainant that the petitioner misguided the defacto complainant's father and the defacto complainant and also knowing well that they are belong to schedule Caste Community and also made loss to her by fixing lower price and also by setting fire to the coconut trees. However, the learned Sessions Judge failed to appreciate the fact that there is no prima facie materials against the petitioner, and dismissed the case, which warrants interference.

4. The learned Government Advocate (Criminal Side) would submit that the statement recorded from the prosecution witnesses and other materials, would disclose that there are prima facie materials available to proceed the case against the petitioner. The Court below after considering the materials available on record carefully come to the conclusion that there are prima facie case is made out against the Petitioner to proceed with and dismissed the petition to discharge from the charges and there is no illegality in the order passed by the Court below.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Admittedly, the case was registered against the petitioner for the offence under Sections 3(1)(g) of SC/ST Atrocity Act-2015, 427, 435 of IPC and 3 of PPD Act, based on the complaint given by the defacto complainant on 06.08.2017 before the Director, National Commission for Schedule Caste, Shastri Bhavan, Nungambakkam, Chennai and the same was forwarded to the respondent, and the case was registered in Crime No.100 of 2018.

7. When the matter came up on 21.04.2021, this Court directed to produce the charge sheet and also statement of

witnesses annexed with the charge sheet. I have perused the entire materials. A perusal of the entire materials, this Court finds that there are prima facie materials to proceed the case against the petitioner. Further, while deciding the petition under Section 227 of Cr.P.C., the Court has to see the final report produced by the Investigating Agency under Section 173 of Cr.P.C. and the materials annexed with. While deciding the petition under Section 227 of Cr.P.C. if the learned Judge considers, there is no sufficient ground for proceed against the accused, he shall discharge the accused, by recording the reason. If there are sufficient ground for proceed against the accused, then he can frame the charge and proceed further. The trial Court found that there are sufficient grounds to proceed further and hence, dismissed the petition filed by the petitioner under Section 227 of Cr.P.C.

8. A careful reading of the entire materials, this Court also finds that there are sufficient grounds to proceed the case further and this Court finds that there is no perversity or illegality or irregularity in the order passed by the learned Sessions Judge.

9. In fine, the Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

r n s

To

1. The Principal Sessions Judge, Vellore.
2. The Inspector of Police,
Arakkonam Town Police Station.
Vellore District.
3. The Public Prosecutor,
High Court, Madras-104.

+1cc to Mr.R.Karunagaran, Advocate, S.R.No.25164

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CrI.M.P.No.4911 of 2021

SV(CO)
CS/09/07/2021