



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2021

CORAM:

THE HON'BLE Ms.JUSTICE R.N.MANJULA

Cr1.R.C.No.778 of 2014

and

MP.No.1 of 2014

1. Earnest Paul
2. Bavani
3. Geetha
4. Priyatharshini

... Petitioners/Respondents

Vs.

1. Ilango
2. State, rep. by Inspector of Police,
Thirubuvani Police Station,
Puducherry.
(Crime No.25/2014)

... Respondents/Petitioners/Respondents

Criminal Revision filed under Sections 397 and 401 Cr.P.C praying to set aside the order made in Cr.MP.No.900/2014 on the file of the Principal Sessions Judge, Puducherry dated 01.08.2014.

For Petitioners : Mr.S.Vadivelu
for Mr.R.G.Narendhiran

For Respondents : Mr.Prakash Adiapadam for R1
Mr.Balamurugane
Public Prosecutor
(Puducherry) for R2

O R D E R

This Criminal Revision Case has been preferred challenging the order of the learned Principal Sessions Judge, Puducherry dated 01.08.2014 made in Cr.MP.No.900 of 2014, wherein the learned Principal Sessions Judge had chosen to allow the



petition filed by the de facto complainant to cancel the bail granted to the revision petitioners/accused 1 to 4.

2. On the complaint given by the first respondent/de facto complainant, the second respondent-police registered a case in Crime No.25 of 2014 against the accused for the offence under Section 306 r/w 34 IPC. The case of the prosecution is that on 24.02.2014 at about 9.00 hours inside the M.I.T College building, Sri Manakula Vinayagar Medical College, Kalitheerthalkuppam, Puducherry, the petitioner/accused 1-4 abetted the deceased Vinothini (daughter of the de facto complainant), who was studying I year E.E.E to commit suicide by jumping out of the 5th floor of the college building. After the accused were arrested on 26.02.2014, they were released on bail vide the order of the learned Principal Sessions Judge dated 04.03.2014 passed in Cr.M.P.No.256 of 2014. Another complaint was given by the same de facto complainant against the unknown persons on the allegations that he was threatened and compelled by them not to pursue the case. On the said complaint, a case in Crime No.138 of 2014 was registered under Sections 294(b), 506(ii) r/w 34 IPC. Subsequently, the de facto complainant has filed a petition in Cr.MP.No.900 of 2014 to cancel the bail already granted to A1 to A4 on the ground that the de facto complainant was threatened through the accused in Crime No.138 of 2014 and they also compelled him not to pursue the case. Considering the submission made by the de facto complainant in the above petition, the learned Principal Judge has chosen to allow the petition and cancelled the bail already granted to A1 to A4. Aggrieved over that, A1 to A4 have preferred the present Revision.

3. The learned counsel for the revision petitioners submitted that the accused have got no connection to the other case registered in Crime No.138 of 2014 and they have been scrupulously abiding the bail conditions. It is further submitted that the case in Crime No.138 of 2014 itself has been closed as "mistake of fact" and hence, the present revision has to be allowed.

4. The learned Public Prosecutor (Puducherry) appearing for the second respondent submitted that it is true that the second case registered in Crime No.138 of 2014 has been closed as "mistake of fact".

5. Heard the learned counsel for the revision petitioners, the learned counsel for the first respondent/de facto complainant and the learned Government Advocate(Crl. Side) appearing for the second respondent/State. Perused the entire materials available on record.



6. Point for consideration:-

Whether the cancellation of bail granted by the learned Sessions Judge is fair and proper?

7. The entire reading of the order of the learned Principal Sessions Judge passed in Cr.MP.No.900 of 2014 would show that the main reason for granting bail to A1 to A4 is because of the threat given by them through some unknown persons for not prosecuting the case against A1 to A4. The case in Crime No.138 of 2014 which was registered on the complaint given by the de facto complainant on the basis of the above allegation itself has been closed as "mistake of fact". However, the learned counsel for the first respondent submitted that they were not aware of the closure of the complaint for the reason of "mistake of fact". It is submitted by the learned Public Prosecutor (Puducherry) that the charge sheet was referred on 06.08.2014 itself. If the de facto complainant is really interested in pursuing the second case in Crime No.138 of 2014, he would have taken some efforts to know about the progress in that case. No case would be pending without the closure of investigation right from the year of 2014. The de facto complainant himself is not interested to challenge the final report filed by the second respondent in Crime No.138 of 2014. However, this order will not have any bearing on the case pending in connection with the Crime No.25 of 2014. It is learnt from the learned Public Prosecutor (Puducherry) that charge sheet has been filed in the said case and now the case is pending at the stage of framing of charges. Since the bail was cancelled due to the pendency of the second case and that the second case has been closed as "mistake of fact", the above change of the situation needs to be considered for reversing the order of the learned Principal Sessions Judge, Puducherry passed in Cr.MP.No.900 of 2014.

8. In view of the above said reasons, this Criminal Revision Case is allowed and the order of the learned Principal Sessions Judge dated 01.08.2014 is hereby set aside. The learned Chief Judicial Magistrate, Puducherry, before whom the case in connection with the Crime No.25 of 2014 is said to be pending, is directed to expedite the trial and dispose of the same within a period of six(6) months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

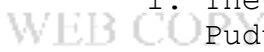
Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

kmi



1. The Principal Sessions Judge,
Puducherry.

3. The Inspector of Police,
Thirubuvani Police Station,
Puducherry.

+1cc to Mr.E.Anbarasan, Advocate, S.R.No.67298

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