

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.RC.No.1249 of 2020 and
CrI.M.P.No.8776 of 2020

P.Selvan

... Petitioner

Vs.

The State,
Represented by
Inspector of Police
All Women Police Station,
Pollachi.
(Cr.No.7 of 2016)

... Respondents

PRAYER : Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C. to set aside the order passed in CMP.No.4585 of 2018 in C.C.No.97 of 2018 on the file of the Judicial Magistrate No..1,Court of Pollachi and set the revision petitioner at liberty.

For Petitioner :Mr.A.Parthasarathy

For Respondents :Mr.R.Suryaprakash
Government Advocate

O R D E R

This Criminal Revision Petition has been filed challenging the order passed in C.M.P.No.4585 of 2018 in C.C.No.97 of 2018 on the file of the Judicial Magistrate No.1, Pollachi and set the revision petitioner at liberty.

2. The respondent police registered a case against the petitioner in Crime No.7 of 2016 for the offences punishable under Sections 417 and 506 (i) I.P.C. and after investigation, the respondent police laid charge sheet before the learned Judicial Magistrate No.1, Pollachi and the learned Magistrate also taken the Charge Sheet on file in C.C.No.97 of 2018. During the pendency of C.C., the petitioner approached the Magistrate in C.M.P.No. 4585 of 2018 under Section 239 of

Cr.P.C. to discharge the petitioner from the aforesaid offences and the same was dismissed vide order dated 17.02.2020. Challenging the said order passed by the learned Magistrate, the petitioner is before this Court.

3. Though sufficient opportunity being given to the petitioner, there is no representation for the petitioner. Heard the learned Government Advocate (Crl.side) appearing for the respondent and perused the records. Despite the direction being given to the respondent to file counter, no counter has been filed by the respondent till date.

4. A perusal of the entire records would go to show that there is prima facie allegation against the petitioner and therefore the respondent police registered a case against him and after investigation laid the charge sheet. A mere reading of the final report filed by the respondent under Section 173 Cr.P.C. and the statement recorded from the witnesses, clearly show that prima facie there is an allegation against the petitioner and at the time of deciding the petition under Section 239 Cr.P.C., the Court has to see the report filed by the respondent police under Section 173 Cr.P.C. as well as the documents filed therein and not the defense taken by the petitioner/accused. Further the Court cannot conduct roving enquiry at this stage of framing charges.

5. Considering the overall materials available on record, this Court finds no perversity in the order passed by the learned Magistrate and no merit in the revision petition and the same is liable to be dismissed. Accordingly, this Criminal Revision case is dismissed. However, the learned Magistrate is directed to proceed with framing of the charges and expedite the trial in accordance with law, within a period of six months from the date of receipt of a copy of this order and file compliance report before this Court. Consequently, connected Miscellaneous Petition is closed.

सत्यमेव जयते

WEB COPY
Sd/-
Assistant Registrar (CS VI)

//True Copy//

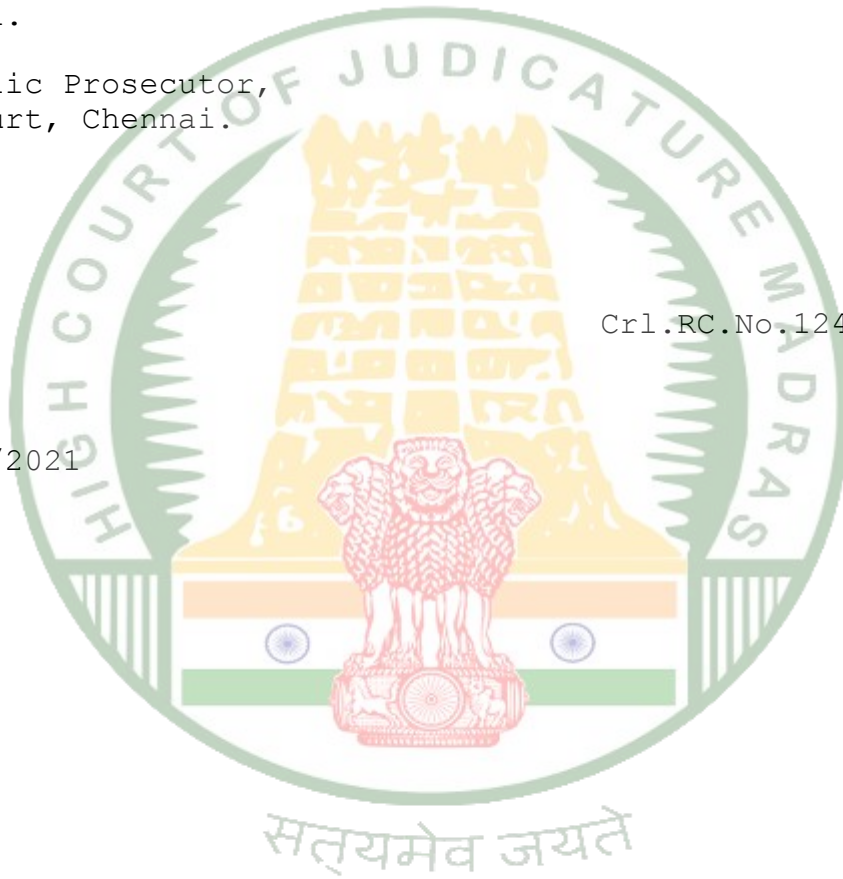
Sub Assistant Registrar

arr
To

- 1.The Judicial Magistrate No.1,
Pollachi.
- 2.-Do-through The Chief Judicial Magistrate,
Coimbatore.
- 3.The Inspector of Police,
All Women Police Station,
Pollachi.
- 4.The Public Prosecutor,
High Court, Chennai.

Crl.RC.No.1249 of 2020

um[co]
srg 11/02/2021



WEB COPY