

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2021

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.1069 of 2019
and Crl.M.P.No.14577 of 2019

Aruldoss

..Petitioner/Petitioner/Accused

Versus

State represented by
The Sub Inspector of Police,
Anti Land Grabbing Special Cell,
Nagapattinam District.
Crime No.06 of 2012

...Respondent/Respondent/Complainant

PRAYER: Criminal Revision petition is filed under Section 397 r/w.401 Cr.P.C to call for the records and set aside the order made in Crl.M.P.No.964 of 2015 in C.C.No.99 of 2015 dated 13.06.2017 passed by the learned Judicial Magistrate No.I, Nagapattinam.

For Petitioner : Mr.M.Saravanan

For Respondent : Mr.K.Madhan

Government Advocate (Criminal Side)

O R D E R

The respondent police registered a case against the petitioner for the offence u/s.465, 468, 471 and 419 IPC. After investigation, the respondent laid the charge sheet, before the Judicial Magistrate No.1, Nagapattinam. The learned Magistrate taken the case on file in C.C.No.99 of 2014.

2. During the pendency of the case, the petitioner/5th accused filed petition under Section 239 Cr.P.C., before the Judicial Magistrate No.1, Nagapattinam, to discharge the petitioner from the said case. The learned Magistrate, after hearing the said case and on a perusal of the petition, stated that the prima facie there are materials to frame charge against the petitioner/accused. Challenging the said order, the petitioner has filed Criminal Revision before this court.

3. Admittedly, case was registered under Sections 465, 468, 471 and 419 IPC, and the petitioner has been arrayed as A-5 in the said case. A reading of the materials filed by the prosecution u/s.161(3) Cr.P.C., clearly shows that there are materials to frame charges against the petitioner. The learned Judicial Magistrate also clearly extracted the statement of the witnesses in the impugned order and therefore at the time of deciding the petition u/s.239, the court need not conduct roving enquiry and only the court has to see any incriminating materials are against the petitioner. If prima facie allegations levelled against the accused are found to be suspicious, the court can frame the charge and at the time of deciding the petition under Section 239 IPC, the court has to see the records produced by the prosecution u/s.161(3) IPC and not the defence taken by the accused and documents produced by the accused.

4. Therefore, on a reading of the materials produced by the prosecution in the final report under Section 173 Cr.P.C., the trial court found that prima facie there are materials to frame the charges and accordingly dismissed the petition u/s.239 Cr.P.C. This court does not find any perversity in the order passed by the learned Judicial Magistrate No.1, Nagapattinam. There is no merit in the criminal revision. Accordingly, the Revision is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

nvsri

To

1.The Sub Inspector of Police,
Anti Land Grabbing Special Cell,
Nagapattinam District.

2.The learned Judicial Magistrate No.I,
Nagapattinam.

3.The Public Prosecutor Office, High Court, Madras.

Cr1.RC.No.1069 of 2019
and Cr1.M.P.No.14577 of 2019

SSD(CO)
KKV/01/03/2021