

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2021

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.RC.No.1492 of 2017
and Crl.MP.No.14869 of 2017

Bhuvaneswari

... Petitioner

Vs.

1.The State rep by the Inspector of Police,
Karimangalam Police Station,
Karimangalam, Dharmapuri District
Cr.No.226 of 2013.

2.Chandrasekar
3.Sakthivel
4.Selvam
5.Palani
6.Senthil
7.Chinnapayan
8.Velmurugan
9.Silambarasan
10.Periyasami
11.Santhosh
12.Prabhu
13.Murugan
14.Damodaran

... Respondents

Prayer: Criminal revision is filed under Section 397 r/w.401 of Cr.P.C. to set aside the order in Crl.MP.No.74 of 2017 in S.No.2 of 2016 on the file of the Additional District cum Sessions Judge, Dharmapuri dated 07.11.2017.

For Petitioner : Mr.A.Balaguru, No appearance

For Respondent : Mr.T.Shanmugarajeswaran

Govt.Advocate for R1.

R2 to R14 - No appearance.

O R D E R

This revision has been filed against the dismissal of the petition filed by the defacto complainant/Bhuvaneswari under Section 319 Cr.PC to add one Tamilarasan as additional accused. Despite the matter being listed on 15.12.2020, 04.01.2021 and 22.01.2021, there was no representation on behalf of the petitioner. Further, perusal of the records would show that notice taken from the Registry on the counsel

for the petitioner viz., Mr.Balaguru and Mr.Rajmohan has also been returned.

2. On the earlier occasion, it was submitted by the learned Government Advocate (Crl.side) that the case is of the year 2016 and the Sessions case was taken up in SC.No.2 of 2016 and examination of witnesses was over as early as in the year 2016 and the case has been posted for questioning the accused under Section 313 Cr.PC and due to the pendency of this revision before this Court, there is no progress in the trial.

3 .The learned Government Advocate (Crl.side) would submit that the name of Tamilarasan was originally included in the FIR based on the complaint. However, after investigation and further based on the statement of Venkataraman and Vediappan finding that Tamilarasan was not involved in the case, the name of the Tamilarasan was deleted in the final report. He would further submit that even during the examination in the Court during trial the petitioner PW1/Bhuvaneswari had stated she had included the name of Tamilarasan only on suspicion and the trial Court finding that the name of Tamilarasan has been included in the FIR only based on the suspicion has dismissed the petition filed by the petitioner under Section 319 Cr.PC seeking to include Tamilarasan as an accused. He would submit that because of the pendency of this petition the entire trial is now stalled and the case stands at the stage of Questioning Section 313Cr.PC.

4. Heard the learned Government Advocate (Crl.side) for the first respondent. There is no representation on behalf of the petitioner and the respondents 2 to 14. Perused the material available on record.

5. The trial Court taking into consideration the materials available on record, the statements of Venkataraman and Vediappan and the evidence of the petitioner had rightly dismissed the petition to add Tamilarasan as additional accused.

6. I do not find any infirmity in the order passed by the learned Additional District cum Sessions Judge, Dharmapuri in Crl.MP.No.74 of 2017 dated 07.11.2017. Hence, the criminal revision stands dismissed. Since, the trial is stalled from the year 2017, the trial Court is directed to complete the trial as expeditiously as possible preferably within a period of three months from the date of receipt of a copy of this Order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

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To

- 1.The Additional District cum Sessions Judge, Dharmapuri.
- 2.The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police,
Karimangalam Police Station,
Karimangalam, Dharmapuri District.

Cr1.RC.No.1492 of 2017

SS CO
A.SK(30.03.2021)



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