

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.993 of 2019
and
Crl.M.P.Nos.13929 & 13930 of 2019

Mohammed Samiyullah

... Petitioner/A-8

Vs.

State rep.by
The Assistant Commissioner of Police,
T-2, Ambattur Range,
Chennai - 53,
Crime No.746 of 2014.

... Respondent/Complainant

Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C to call for the records and set aside the order passed in Crl.M.P.No.3315 of 2019 dated 13.09.2019 in S.C.No.1 of 2015 on the file of the District and Sessions Judge, Special Court under UAPA, Thiruvallur in Crime No.746 of 2014 on the file of the respondent police.

For Petitioner : Mr.R.Vivekananthan

For Respondent : Mr.R.Surya Prakash

Government Advocate (Crl.Side)

O R D E R

This Criminal Revision Case has been filed against the order dated 13.09.2019 passed in Crl.M.P.No.3315 of 2019 in S.C.No.1 of 2015 on the file of the District and Sessions Judge, Special Court under UAPA, Thiruvallur in Crime No.746 of 2014 on the file of the respondent police.

2. According to the petitioner, the respondent police registered a case in Crime No.746 of 2014 against the petitioner and 16 others. After completion of investigation, the respondent police filed a charge sheet before the Principal District and Sessions Judge, Tiruvallur for the offence under Sections 341, 307, 302 IPC @ 341, 307, 302, 153 (A), 120(b), 109, 212, 109 r/w 212 of IPC and Section 16(1) (2) of the Unlawful Activities Act (Prevention

Act 1967) as amended Act 35 of 2008 and the same was taken on file in S.C.No.1 of 2015. During the pendency of the case, the petitioner (A8) along with other accused (A9) filed a petition in CrI.M.P.No.3315 of 2019 under Section 227 Cr.P.C seeking to discharge the petitioners from the accusation in S.C.No.1 of 2015. After gone through the entire materials, the learned Judge dismissed the petition. Challenging the said order, the petitioner is before this Court.

3. According to the learned counsel for the petitioner, the petitioner filed the petition seeking to discharge him from the charges in S.C.No.1 of 2015. He would further submit that except the confession statement no other materials would show that the petitioner was involved in the said offence, however, the learned Judge failed to consider the said fact and dismissed the petition.

4.The learned Government Advocate (CrI.Side) submitted that the main accused A1 to A3 were arrested in house of the petitioner (A8). However, the learned counsel for the petitioner submitted that A1 to A3 were arrested in house of A9. Further, the learned counsel for the petitioner admitted that the petitioner has given confession statement.

5.Therefore, at the time of deciding the petition under Section 227 Cr.P.C, the Court has to see the prima facie materials available against the petitioner for framing charges. The validity of the confession statement and the defence taken by the learned counsel for the petitioner cannot be looked into at this stage. This Court cannot conduct roving enquiry on the same. However, the respondent police would submit that already charges were framed against the petitioner and others.

6.In the light of the above facts and circumstances, the petitioner has already given his confession statement before the Investigating Officer and charges were framed and there is no merit to allow this revision case. Accordingly, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The District and Sessions Judge,
Special Court under UAPA,
Thiruvallur.

2.The Assistant Commissioner of Police,
T-2, Ambattur Range,
Chennai - 53.

3.The Public Prosecutor,
High Court, Madras.

Cr1.R.C.No.993 of 2019

BS (CO)
CB(02/03/2021)



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