



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 09.03.2021

CORAM

**THE HONOURABLE MRS. JUSTICE R. THARANI**

Crl. R.C.(MD)No.185 of 2021

in

Crl.M.P(MD).No.2025 of 2021

WEB COPY

1.Kutty

2.Muniyammal

.. Petitioners/Petitioners/Accused

Vs.

State rep., by

The Inspector of Police,

Kovilpatti East Police Station,

Thoothukudi District.

(Crime NO.209 of 2018)

..Respondent/Respondent/Complainant

**Prayer :** This criminal revision case is filed under Sections 397 read with 401 of Cr.P.C., to call for the records relating to the order passed by the learned Judicial Magistrate No.I, Kovilpatti in CMP.No.107/2019 in CC.No.248 of 2018 dated 11.11.2020 and set aside the same.

For Petitioner : Mr.A.Ebenezer

For Respondent : Mrs.S.Bharathi

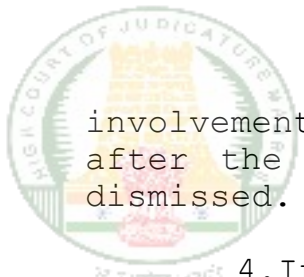
Government Advocate (Crl. Side)

**ORDER**

This petition has been filed to set aside the order passed in CMP.No.107/2019 in CC.No.248 of 2018 on the file of the learned Judicial Magistrate No.I, Kovilpatti, dated 11.11.2020.

2.The petitioners are accused in Crime No.209 of 2018. On the side of the petitioners, it is stated that the first petitioner was admitted in a hospital as inpatient on the date of occurrence. A false case was registered against the petitioners. The second petitioner was arrested against the procedures in the absence of a woman police. A complaint against the arrest of the second petitioner was pending before the Human Rights Commission. The petitioners filed a discharge petition in Cr.M.P.No.107 of 2019. That petition was dismissed by the trial Court without considering the available records and pray the impugned order to be set aside and the petitioners to be discharged from the charges.

3.On the side of the respondent, it is stated that the complainant was working as daily wager in the company of the first petitioner. Charge sheet was also filed and the case was taken on file as CC.No.248 of 2018. The validity of the discharge summary dated 20.05.2018 can be decided only after the enquiry. The first petitioner claiming alibi has to prove the same before the trial Court. The prosecution has examined eyewitnesses for the occurrence and recorded their statement under Section 161 of Cr.P.C. The



involvement of the petitioners in the offence can be decided only after the completion of the trial and prayed the petition to be dismissed.

4.It is seen that the alibi claimed by the first petitioner can be decided only after the completion of the trial. The involvement of the petitioners in the offence also can be decided only after the completion of the trial.

5.In the above circumstances, there is no reason sufficient enough to interfere with the orders of the trial Court. Hence, the Criminal Revision Case is dismissed. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Judicial Magistrate No.I, Kovilpatti.

2.The Inspector of Police,  
Kovilpatti East Police Station,  
Thoothukudi District.

3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

Crl. R.C. (MD) No.185 of 2021  
09.03.2021

MJ(CO)  
KB(24.03.2021) 2P 4C