



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On : 04.01.2021

Delivered On : 22.01.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.728 of 2020

and

Crl.M.P.(MD)No.7825 of 2020

WEB COPY

M.Nirmala

... Revision Petitioner/Petitioner

Vs.

State represented by Inspector of Police,

Thiruthangal Police Station,

Virudhunagar District.

(Crime No.370 of 2016)

... Respondent/Petitioner

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records pertaining to the order passed in Cr.M.P.No.475 of 2020 in C.C. No.210 of 2019 by the Judicial Magistrate No.II, Sivakasi dated 22.10.2020 and to set aside the same.

For Petitioner : Mr.T.Thirumurugan

For Respondent : Mrs.S.Bharathi

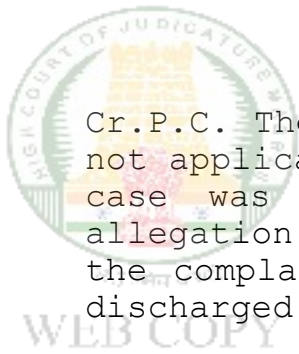
Government Advocate

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.475 of 2020 in C.C.No.210 of 2019 dated 22.10.2020, on the file of the learned Judicial Magistrate No.II, Sivakasi.

2.The allegation against the petitioner is that due to some money transaction, on 04.06.2016, the petitioner and the then juvenile Balaji scolded the defacto complainant and her husband and damaged the window glass of the defacto complainant and attacked the defacto complainant with hands and threatened him with dire consequences. A case in Crime No.370 of 2016 was registered against the petitioner under Section 294(b), 323, 427 and 506(i) of IPC and Section 4 of Tamil Nadu Women Harassment Act. The case was taken on file as C.C.No.210 of 2019. Since the chargesheet was not filed within the time limit, the petitioner has filed a petition in Cr.M.P.No.475 of 2020 to discharge the petitioner from the charges and that petition was dismissed by the trial Court. Against which, the petitioner preferred this revision.

3.On the side of the petitioner, it is stated that the FIR was registered on 05.06.2016 but the chargesheet was filed only on 15.11.2019. The offences alleged against the petitioner is punishable only up to three years. Taking cognizance of the offence after the expiry of three years is bared under Section 468(2)(c) of



Cr.P.C. The petitioner is the women and The Women Harassment Act is not applicable to the petitioner. Already in the Police website, the case was mentioned as 'closed as mistake of fact'. The only allegation against A1 is that he asked for money and that A2 scolded the complainant in filthy language and prayed the petitioner to be discharged from the charges.

4.On the side of the respondent, it is stated that already chargesheet was filed on 16.04.2018 and the same was returned for some clarification and again on 18.08.2018, the chargesheet was resubmitted and again the same was returned for some clarification and finally on 15.11.2019, the Court has taken the chargesheet into file. Under Section 473 of Cr.P.C., the Court is at liberty to take cognizance of the offence in the interest of justice even after the lapse of limitation period. The delay cannot be a ground for discharging the petitioner and prayed the petition to be dismissed.

5.By way of reply on the side of the petitioner, it is stated that the prosecution has not filed the extension petition under Section 473 Cr.P.C.

6.It is seen that the chargesheet was filed on 16.04.2018 I.e., within the time limit. The chargesheet was returned for some clarification and the chargesheet was resubmitted on 18.08.2018 and again the chargesheet was returned and again was resubmitted on 15.11.2019. It is seen that the connected case against the juvenile accused was closed. In the FIR details furnished by the petitioner, it is mentioned that FIR was closed against the then juvenile Balaji, who is not a petitioner herein. Under Section 473 of IPC, the trial Court in the interest of justice, can take cognizance of the offence after the lapse of the prescribed period. Here, the chargesheet was already filed and for some rectification, the same was returned. The trial Court has taken cognizance of the offence and the delay in filing the chargesheet alone is not sufficient enough to discharge the petitioner from the charges.

7.For the above reasons, this Criminal Revision Case is dismissed and the order passed in Cr.M.P.No.475 of 2020 in C.C.No.210 of 2019 dated 22.10.2020, on the file of the learned Judicial Magistrate No.II, Sivakasi is confirmed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

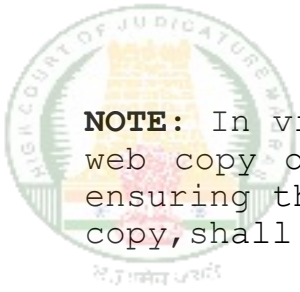
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/ /2021

Sub Assistant Registrar(CS)

Mrn

<https://hcservices.ecourts.gov.in/hcservices/>



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

WEB COPY

1.The Judicial Magistrate No.II, Sivakasi

2.The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.

Copy To:- The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-1799[F] dated 22/01/2021)

Crl. R.C.(MD)No.728 of 2020
22.01.2021

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