



Crl.R.C.No.235 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:22.12.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Crl.R.C.No.235 of 2020

and

Crl.M.P.No.1708 of 2020

Aarasu

... Petitioner

Vs.

State by
The Inspector of Police,
E-5, Arambakkam Police Station,
Tiruvallur District.

... Respondent

Prayer:Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C., to call for the records from the learned District Munsif cum Judicial Magistrate, Gummidipoondi in C.C.No.491 of 2019 and set aside the order dated 20.01.2020 passed by the learned District Munsif cum Judicial Magistrate, Gummidipoondi in C.C.No.491 of 2019.

For Petitioner : Mr.K.S.Arumugam

For Respondent : Mr.R.Murthi
Government Advocate (Criminal Side)



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ORDER

WEB COPY This Criminal Revision Case has been filed against the order dated 20.01.2020 passed in C.C.No.491 of 2019 on the file of the learned District Munsif cum Judicial Magistrate, Gummidipoondi.

2. The respondent police registered the case against the petitioner and others in Crime No. 426 of 2001 for the offence under Sections 147, 148, 452, 336, 323, 324, 332 and 307 IPC. After investigation laid a charge sheet before the learned District Munsif cum Judicial Magistrate, Gummidipoondi. The learned Magistrate taken the charge sheet on file in C.C.No.491 of 2019. During trial, after examination of some of the witnesses, the trial court found that there are *prima facie* materials available to register the case for the offence under Section 302 IPC also. Since the offences are exclusively triable by the Court of Sessions, the learned Magistrate committed the case to the Sessions Court. Aggrieved over the said order of committal, the petitioner/A1 has filed the present Criminal Revision Case before this Court.



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3. When the charge sheet was filed before the learned Judicial Magistrate by the respondent/ Police, the learned Magistrate has taken the charge sheet on file and subsequently tried the case and on examination of some of the witnesses, found that there are *prima facie* materials available to commit the case before the Sessions Court, since the offences are exclusively triable by the Court of Session. When the materials are available to commit the case, the learned Magistrate can always commit the case before the Sessions Court. Further, the order passed by the learned Magistrate is nothing but a procedure adopted under Section 209 Cr.P.C. A committal order under Section 209 Cr.P.C., is an interlocutory order, revision against the said order is barred. No revision would lie on any docket order. Even assuming that the revision lies, this Court finds that there is no perversity in the order passed by the learned Judicial Magistrate. The petitioner is not remedy less and he has to work out his remedy in the manner known to law.



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4. With the abovesaid observation, the Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

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mfa
Index:yes/No



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To

1. The District Munsif cum Judicial Magistrate,
Gummidipoondi.
2. The Inspector of Police,
E-5, Arambakkam Police Station,
Tiruvallur District.
3. The Public Prosecutor,
High Court,
Madras.



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P.VELMURUGAN, J.

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