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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2022

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Criminal Revision Case No.598 of 2022
and CrI.M.P.No.6302 of 2022

Tmt.Rumena Magdelene

... Petitioner

vs.

1.The Station House Officer,
Odiansalai Police Station,
Puducherry.

Nagarajan (Died - charge Abated)

2.Martel Alexander Joseph

... Respondents

PRAYER: Criminal Revision Case filed under Section 397 & 401 of Cr.P.C., to set aside the order dated 25.02.2022 passed in Cr.M.P.No.2298/2019 in C.C.No.542/2019 by the Hon'ble Chief Judicial Magistrate, Puducherry by allowing the Revision Petition.

For Petitioner : Mr.S.V.D.Rajendra Prasad

For Respondents: Mr.V.Balamurugane
Public Prosecutor (P) - for R1

O R D E R

This Criminal Revision Petition has been filed against the dismissal of the discharge petition filed by the petitioner, who has been arrayed as A3 in the final report.

2. The case of the prosecution is that the property in question originally belonged to one Sindariamalle Moselle and she died in the year 1990 and the defacto complainant and others succeeded to the said property. While so, forged documents were created by one Nagarajan in connivance with A2 and A3 and a sale deed was executed in favour of the petitioner. Thus, the allegation against the accused persons is that they created



fabricated documents and thereby cheated the defacto complainant and others.

3. The petitioner filed the discharge petition on the ground that she is a bonafide purchaser for value and she has nothing to do with the alleged offence. That apart, she also filed a suit for permanent injunction and the same was decreed ex parte in her favour. Therefore according to the petitioner, no offence has been made out against her.

4. Heard Mr.S.V.D.Rajendra Prasad, learned counsel for the petitioner and Mr.V.Balamurugane, Public Prosecutor (P) appearing for the first respondent.

5. The Court below has gone into the grounds raised by the petitioner and has assigned sufficient reasons for dismissing the discharge petition. The Court below specifically found that there are prima facie materials against the petitioner to believe that she has entered into the transaction knowing fully well that the document in question is a forged document.

6. In the considered opinion of this Court, there is no ground to interfere with the order passed by the Court below and it does not suffer from any illegality. One of the charges against the petitioner is that all the accused persons have committed the criminal act in furtherance of a common intention. The same will get unraveled only in the course of trial. It will therefore be left open to the petitioner to raise all the grounds during the course of trial.

7. Taking into consideration the request made by the learned counsel for the petitioner and considering the facts and circumstances of the case, the personal appearance of the petitioner shall be dispensed with and she shall be represented through a counsel, who shall cross examine the witnesses on the same day they are examined in chief. The petitioner will not be permitted to dispute the identity of any of the witnesses. The petitioner shall be present before the Court at the time of questioning under Section 313 of Cr.P.C., and at the time of passing of the final judgment.

8. This Criminal Revision Petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar



KST

To

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1. Chief Judicial Magistrate,
Puducherry
2. The Station House Officer,
Odiansalai Police Station,
Puducherry.
3. The Public Prosecutor,
High Court of Madras,
Madras.

+1cc to Mr.S.V.D.Rajendra Prasad, Advocate SR.No.31635

Cr1.R.C. No.598 of 2022

SV(CO)
GMY(07/07/2022)