

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2022

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL.R.C.NO.776 OF 2022

&

CRL.M.P.NO.7905 OF 2022

R.P.Ashok Kumar

...Petitioner

Vs.

The State rep. by
Inspector of Police,
K-4 Anna Nagar Police Station,
Chennai - 600 040.
(Crime No. 1005/2020)

...Respondent

Prayer : Criminal Revision case under Section 397 & 401 Cr.P.C. to set aside the order dated 17.12.2021 made in Crl.M.P. No. 697 of 2021 in C.C. No. 07/2021 passed by the learned Metropolitan Magistrate Additional Mahila Court, Egmore, Chennai.

For Petitioner : Mr.P.Krishnamurthi

For Respondent : Mr.S.Vinoth Kumar
Govt.Advocate (Crl.Side)

O R D E R

This criminal revision is filed aggrieved by the dismissal of the application filed for discharge in Crl.M.P. No. 697 of 2021 in C.C. No. 7 of 2021 on the file of Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai.

2. A perusal of the records shows that L.W.1 before the Court had made a statement to the effect that the petitioner had harassed her and therefore, in that view of the matter, the contentions raised in the discharge application are in the nature of defence, which can be gone into only at the time of trial and therefore, no exception can be taken to the order of the learned Magistrate in dismissing the application.

3. In this regard, the learned counsel for the petitioner would further pray that a direction may be given for the early disposal of the case as his client is standing trial.

4. In that view of the matter, the criminal revision case is disposed of on the following terms:

(i) The order dated 17.12.2021 passed in CrI.M.P. No. 697 of 2021 in C.C. No. 7 of 2021 by the learned Metropolitan Magistrate - Additional Mahila Court, Egmore, Chennai is upheld;

(ii) Considering the prayer made on behalf of the petitioner, the learned Magistrate is directed to dispose of C.C. No. 7 of 2021 as expeditiously as possible, in any event, not later than a period of 6 months from the date of receipt of a copy of this order.

(iii) The petitioner will be entitled to raise all the allegations including his allegation regarding the videograph shown at the time of trial and the same shall be considered independently on merits and in accordance with law, without in any way being influenced by the observations made by this Court while disposing of the revision.

Consequently, Connected CrI.M.P. is closed.

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

nv

To

1.The Metropolitan Magistrate
Addl. Mahila Court
Egmore, Chennai.

2.The Inspector of Police,
K-4 Anna Nagar Police Station,
Chennai - 600 040.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Krishnamoorthy, Advocate Sr.No.39206

CrI.R.C.No.776 of 2022

MG(CO)
RVM(12/07/2022)