



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.699 of 2022

1. Senthilkumar

2. Selvam ... Petitioners/Respondents/Proposed Accused

Versus

The State represented by
The Inspector of Police,
Perundurai Police Station,
Erode District,
Crime No.848 of 2012 ... Respondent/Petitioner/Complainant

Prayer: Criminal Revision Petition filed under Section 397 r/w.
401 of the Code of Criminal Procedure to set aside the order
dated 11.04.2022 made in C.M.P.No.3696 of 2017 on the file of
the Judicial Magistrate, Perundurai.

For Petitioner : Mr.M.Guruprasad

For Respondent : R.Vinoth Raja
Govt. Advocate (Crl. Side)

ORDER

This Criminal Revision is filed as against the order of the
learned Judicial Magistrate, Perundurai in C.M.P.No.3696 of
2017, whereby, the petitioners herein were added as accused in
exercising power under Section 319 of the Code of Criminal
Procedure.

2. The gist of the allegations in the main case is that a
Will was forged by the first accused. These two persons have
signed as attesting witnesses.

3. The learned counsel would submit that there is no
material to implicate them, originally, as per the statement
given during the investigation, these persons only signed in the



absence of the testator and therefore, when they do not have knowledge of the forgery, they cannot be implicated.

4. Heard both sides and perused the materials available on record carefully.

5. Admittedly, the alleged false document contains the signature of these petitioners as attesting witnesses. Whether they have complicity or not cannot be now decided at this stage and when there is prima facie material, the Trial Court has rightly exercised the power to include the petitioners as A2 and A3 in the case. Therefore, I am unable to find any infirmity in the order of the learned Magistrate.

6. Accordingly, this Criminal Revision is dismissed giving liberty to the petitioner to raise all the contentions in the course of the trial and upon raising of such defence, the Trial Court will decide the matter uninfluenced by any of the observation while implicating them as accused or by this order of dismissing the revision.

Sd/-

Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

mrp

To

1. The Judicial Magistrate,
Perundurai.
2. The Inspector of Police,
Perundurai Police Station,
Erode District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Guruprasad, Advocate SR.No.36230

Cr1.R.C.No.699 of 2022

SSN(CO)
GMY(29/06/2022)