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Crl.R.C. No. 756 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C. No. 756 of 2022

&

Crl.M.P. Nos. 7720 & 7721 of 2022

A.R. Venugopal

..Petitioner

Vs.

1. G. Duraisamy
2. State rep. by the
Inspector of Police,
District Crime Branch,
(Anti Land Grabbing Special
Cell),
Coimbatore District.

..Respondents

Prayer: Criminal Revision Case under Section 397 r/w 401 Cr.P.C.to
call for the records pertaining to the order dated 17.05.2022 passed by the
Special Court for Trial of Land Grabbing Cases, Coimbatore, made in
C.M.P. No. 35 of 2022 in C.C. No.7 of 2021 and quash the same.



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For Petitioner :: Mr.O.S. Thilak Pasumbadiyar

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

O R D E R

This revision is filed against the order dated 17.05.2022 in C.M.P. No.35 of 2022 in C.C. No. 7 of 2021 passed by the Special Court for Trial of Land Grabbing Cases, Coimbatore, in and by which the discharge petition filed by the petitioner was dismissed.

2. The learned counsel for the petitioner would submit that a perusal of the final report filed by the respondent Police would reveal that the petitioner and his predecessor in title are only claiming rival title and there is no creation of false document within the definition of Section 464 IPC. Therefore, the learned counsel would submit that the entire case is civil in nature and the Trial Court erred in dismissing the discharge application.



WEB COPY 3. Per contra, learned Government Advocate (Criminal Side) would submit that the document of conveyance claimed a false partition to claim title to the temple land and therefore, the document would come within the definition of a false document. Once, prima facie, it comes within the purview of a false document, then the other offences are made out in view of the statements given by the witnesses under Section 161 Cr.P.C.

4. I have considered the rival submissions and perused the material records of the case.

5. It is now well-settled that even a strong suspicion is enough for the Trial Court to proceed with the framing of the charges and the contention of the petitioner that ultimately, after going through the evidence in detail, there may not be likelihood of conviction, cannot be taken as a reason for discharging the petitioner. Therefore, I am of the view that this criminal revision is devoid of merits. However, the petitioner is given liberty to raise all the grounds taken in the discharge application



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during the course of trial and the same shall be considered by the Trial Court, without being influenced in any way by the dismissal of the discharge application.

6. The Criminal Revision case stands dismissed with the above observation. Connected Crl.M.Ps are closed.

21.06.2022

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To

1. The Special Court for Trial of
Land Grabbing cases,
Coimbatore.
2. The Public Prosecutor,
High Court, Chennai.

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