



CRL.R.C.No.979 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.979 of 2019

and Crl.M.P.No.13746 of 2019

1.J.Vijaykumari

2.A.Jesuraj

... Petitioners

Vs.

1.The State rep. by its
The Inspector of Police,
Arumbavoor Police Station,
Perambalur District.

2.S.VimalJo

3.Arokkiya Mery

4.Sepasthian

... Respondents

[R2 to R4 impleaded vide
order dated 12.10.2022 made
in Crl.M.P.No.14696 of 2019]

Prayer: Criminal Revision case has been filed under Section 397 r/w 401 of Cr.P.C to set-aside the order passed by the Mahila Court (Sessions Judge) Perambalur in Crl.M.P.No.209 of 2019 in Spl.S.C.No.20 of 2018 dated 10.05.2019.



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For Petitioners : Mr.E.C.Ramesh

For Respondents

For R1 : Mr.A.Gopinath

Government Advocate (Crl. Side)

For R2 to 4 : Mr.P.Mani

ORDER

This Criminal Revision case has been filed to set-aside the order passed by the Mahila Court (Sessions Judge) Perambalur, in Crl.M.P.No.209 of 2019 in Spl.S.C.No.20 of 2018 dated 10.05.2019.

2. The Revision has been filed against the order passed by the Mahila Court (Sessions Judge), Perambalur, in Crl.M.P.No.209 of 2019 in Spl.S.C.No.20 of 2018 dated 10.05.2019, thereby dismissing the petition filed by the respondent herein to split up the case for the offence under Section 317(2) Cr.P.C.

3. It is seen that there are totally five accused in this case in which the petitioners are arrayed as A4 and A5. The petitioners' daughter was married to the first accused. The second and third accused are parents of



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the first accused and it was an arranged marriage. After marriage, the deceased committed suicide and at the time of committing suicide she was a minor. Therefore, the accused one to five were charged for the offence under Sections 498(A) and 305 IPC and Section 5(1) of the Protection of Children from Sexual Offence Act, 2012 and Section 9 and 10 of Prevention of Child Marriage Act.

4. Pending trial, the first respondent filed a petition under Section 317(2) Cr.P.C to split the case against the accused persons namely the petitioners herein and to proceed with the trial. However, it was dismissed on the ground that the accused one to three are facing charges for the offence under Sections 498A and 305 IPC and Section 5(1) r/w 6, 16 r/w 17 of POCSO Act, 2012, and also offence under Sections 9 and 10 of the Prevention of Child Marriage Act. Therefore, the trial Court rightly dismissed the petition and this Court, finds no infirmity or illegality in the order passed by the Court below.



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5. However, the learned counsel for the petitioners would submit that as against the accused one to three, there is clinching evidence to prosecute them for the offence under Sections 498A and 305 IPC and Section 5(1) r/w 6, 16 r/w 17 of POCSO Act, 2012, and also offence under Sections 9 and 10 of the Prevention of Child Marriage Act. Therefore, their evidence may be considered at the time of trial. That apart, the learned Government Advocate (Crl. Side) appearing for the first respondent would submit that the trial had already commenced and LW1 to 4 were examined as PW1 to 4 before the trial Court.

6. With the above observation, this Criminal Revision case stands dismissed. The petitioner is permitted to let in evidence before the trial Court in the manner known to law. Consequently, connected miscellaneous petition is closed.

12.10.2022
(2/2)

Index: Yes/No
Speaking/Non-Speaking order
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G.K.ILANTHIRAIYAN, J

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To

The Mahila Court (Sessions Judge),
Perambalur.

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12.10.2022