



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2022

CORAM :

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRIMINAL REVISION CASE NO.1096 OF 2021

AND

CRL.M.P.NO.14037 OF 2021

Kumuthavalli

...Petitioner

..Vs..

State Rep. By
The Inspector of Police,
District Crime Branch,
Thiruvallur District, Tiruvallur.

...Respondent

PRAYER : Criminal Revision Case filed under Section 397 r/w 401 of the Code of Cr.P.C to call for the records relating to the Order in Crl.M.P.No.1909 of 2020 in C.C.No.125 of 2018 dated 06.05.2021 on the file of the Judicial Magistrate Court No.I at Tiruvallur and set aside the same and allow the revision petition.

For Petitioner : Mr.K.Premkumar

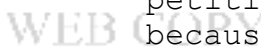
For Respondent : Mr.S.Sugendran,
Government Advocate (crl.side)

O R D E R

(The case has been heard through video conferencing)

This Criminal revision petition has been filed against the dismissal of the discharge petition.

2.The brief facts of the case is that the petitioner is the third accused in this case. The respondent has filed a final report against the petitioner and the two other accused as if they conducted unauthorized chits and collected monthly installments and did not pay to certain individuals, who are main witnesses in the chargesheet. The respondent had filed a complaint for the offences under sections 406 and 420 I.P.C. The petitioner had filed application for discharge under section 239 Cr.P.C. The trial court finding that the materials are available against the petitioner for framing charge in the form



3. Learned counsel for the petitioner would submit that the petitioner is innocent and she has been roped in this case only because she is the daughter of the main accused in this case. He would further submit that on the date of filing F.I.R., the petitioner was pregnant of 5 months and she did not commit any offence as alleged and that she did not receive any money from any of the witnesses/victims.

5. This Court finds that there are materials available against the petitioner for framing charges. The Trial Court, at the stage of deciding the petition for discharge can conduct a mini trial or roving enquiry.

7. In view of the above, this Criminal revision stands dismissed as withdrawn. However, taking into consideration the submissions made by the learned counsel that the petitioner has a small child, personal appearance of the petitioner before the Trial Court is dispensed with on condition that the she will be duly represented by her counsel on all hearing dates and she will be present at the time of framing charges, at the time of questioning under Section 313 of Cr.P.C and at the time of pronouncing Judgment. The petitioner is further directed to give an undertaking in the form of affidavit that the counsel representing her will cross examine the prosecution witnesses on the same day when they are examined in chief. The petitioner shall not dispute the identity of the witnesses and the petitioner shall appear before the Trial Court in the event of



her presence being insisted by the Trial Court for the identification of parties. Consequently, connected Criminal Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar (CS-IV)

// True Copy //

Sub Assistant Registrar

vri/shk

To

1.The Judicial Magistrate Court No.I,
Tiruvallur.

2.The Chief Judicial Magistrate,
Tiruvallur.
(for information)

3.The Inspector of Police,
District Crime Branch,
Thiruvallur District, Tiruvallur.

4.The Public Prosecutor,
High Court, Madras.

+3ccs to Mr.K.Premkumar, Advocate SR.No.458

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PA(CO)
RVM(21/01/2022)