



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.140 of 2022

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Chinnakalai

... Petitioner/Defacto Complainant

Vs.

1. State represented by,
The Sub-Inspector of Police,
SIPCOT Police Station,
Manamadurai Taluk,
Sivagangai District.

... 1st Respondent/Complainant

2. Veeru

3. Panchavarnam

4. Veerapathiran

5. Alagammal

6. Karthikaiselvi

7. Sujith

8. Sanjith

... Respondents 2 to 8

(RR 2 to 8 were impleaded vide order, dated 23.02.2022
made in Crl.M.P(MD)No.2776 of 2022)

PRAYER: Criminal Revision Case filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to set aside the impugned order passed in a protest petition filed by the petitioner before the learned Additional District Munsif cum Judicial Magistrate, Manamadurai in Cr.M.P.No.2954 of 2021, dated 20.12.2021 consequently allow the protest petition.

For Petitioner : Mr.R.Senthil Kumar

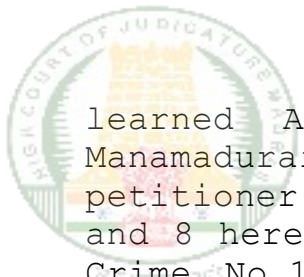
For R - 1 : Ms.M.Aasha

Government Advocate (Crl. Side)

For RR 2 to 6 : Mr.V.Kannan

ORDER

This revision has been filed as against the order passed in
Cr.M.P.No.2954 of 2021, dated 20.12.2021 on the file of the
<https://hservices.eCourts.gov.in/hservices/>



learned Additional District Munsif cum Judicial Magistrate, Manamadurai, thereby dismissed the protest petition filed by the petitioner as against the deletion of the respondents 2 to 5, 7 and 8 herein/Accused Nos.1 to 4, 6 and 7 from the charge-sheet in Crime No.148 of 2021 and removed all the Sections against the sixth respondent/A.5 except 294(b) of I.P.C and included one Section 323 of I.P.C.

2.The petitioner lodged a complaint alleging that on 28.08.2021 at about 05.30 p.m the first accused and his wife/A.2 had spoken filthy language against the petitioner and his wife near the house of the petitioner. Subsequently, A.1 and his son A.3 had assaulted the petitioner by iron rod. At the same time, the petitioner's wife had tried to save the petitioner, but A.1 to A.4 has assaulted the petitioner's wife and abused her with filthy language. Thereafter, A.5 had come with barbed wire iron rod and the same has been given to the accused persons. A.5 to A.7 pelted stones against the petitioner and his wife and they were admitted in hospital. Based on the complaint lodged by the petitioner, the first respondent registered a case in Crime No.148 of 2021 for the offences under Sections 147, 294(b), 324, 336 and 506(i) of I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

3.The version of the petitioner is not supported by other witnesses to substantiate the charges under Sections 294(b) and 323 of I.P.C as against the respondents 2 to 5, 7 and 8 herein. However, the learned counsel appearing for the petitioner would submit that there are specific overt acts and allegations as against all the accused persons. However, the first respondent, colluded with other accused persons, not examined the other eye witnesses to support the prosecution and simply supported the case of the accused and laid charge-sheet.

4.Heard the learned counsel appearing on either side and perused the materials available on record.

5.On a perusal of the records revealed that except the petitioner's statement, other statements are not supported the case of the petitioner herein to attract the offences under Section 294(b) and 323 of I.P.C against other accused persons except the sixth respondent/fifth accused-Kathikai Selvi. Therefore, the first respondent rightly laid charge-sheet as against the sixth respondent/fifth accused-Kathikai Selvi and deleted other accused persons and as such, this Court finds no infirmity or illegality in the order passed by the Court below. Accordingly, this Criminal Revision Case is dismissed. However, the petitioner can invoke the provisions under Sections 216 and 319 of Cr.P.C before the trial Court, if any materials available



to attract the other offence and also against other accused persons.

Sd/-

Assistant Registrar (CS-II)

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/ /2022

Sub Assistant Registrar (CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Additional District Munsif
cum Judicial Magistrate,
Manamadurai.
2. The Sub-Inspector of Police,
SIPCOT Police Station,
Manamadurai Taluk,
Sivagangai District.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.KANNAN, Advocate (SR-14103[F] dated 24/03/2022)

Order made in
Crl.R.C (MD)No.140 of 2022

23.03.2022

USK/06.04.2022/3P/5C