



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2022

CORAM:

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

Crl.R.C. (MD)No.225 of 2021

and

Crl.M.P (MD) No.2350 of 2021

WEB COPY

Raju @ Subba Reddiyar

... Petitioner/Petitioner/
Defacto Complainant

Vs.

1.State represented by
The Inspector of Police,
Lalapet Police Station,
Lalapet, Karur District.
(Crime No.158/2016)

...1st Respondent/1st Respondent/
Complainant

2.Anbalagan
3.Vasudevan
4.Pappathi
5.Chitradevi

... Respondents 2 to 5/
Respondents 2 to 5/ Accused 1 to 4

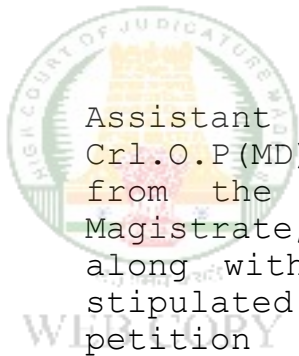
Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records of the impugned order dated 19.01.2021 passed by the Learned Assistant Sessions Judge, Kulithalai, Karur District in Cr.M.P.No. 61/2020 in C.C.No. 1/2020 and set-aside the same and by allowing the revision petition.

For Petitioners : Mr.L.George Paul Anto
For Respondents : M/s.M.Aasha
No.1 Government Advocate
For Respondents : No Appearance
No.2 to 5

O R D E R

This Criminal Revision has been filed to call for the records of the impugned order dated 19.01.2021 passed by the learned Assistant Sessions Judge, Kulithalai, Karur District in Cr.M.P.No. 61/2020 in C.C.No. 1 of 2020 and set-aside the same and by allowing the revision petition.

2. The petitioner is the defacto complainant. On the complaint lodged by the petitioner, the respondent after investigation filed final report for the offences under Sections 326 of IPC and the same has been taken cognizance in CC No.82 of 2016 by the learned Judicial Magistrate, Kulithalai. In the counter complaint the petitioner was charged for the offence under sections 294(b) and 307 of IPC and the same is pending trial in SC No.83 of 2016 before the



Assistant Sessions Judge, Kulithalai. As ordered by this Court in Crl.O.P(MD) No.16990 of 2018, CC No.82 of 2016 has been withdrawn from the trial Court from the file of the learned Judicial Magistrate, Kulithalai and directed to conduct simultaneous trial along with SC No.83 of 2016 and complete the trial within the stipulated time. Pending trial, the petitioner has filed this petition to conduct prosecution through his counsel. Conducting prosecution through the defacto complainant himself is not permissible before this Court. However the learned Magistrate has granted permission on his own discretion. Further the petitioner failed to raise any valid reason for conducting prosecution by his concern. Therefore the Court below rightly dismissed the petition filed by the petitioner and this Court finds no illegality or infirmity in the order passed by the Court below.

3. In the result, the Criminal Revision stands dismissed. Infact the petitioner is permitted to assist the prosecution as contemplated under Section 301(2) of Cr.P.C as directed by the trial Court. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

aav

To:

- 1.The Assistant Sessions Judge,
Kulithalai, Karur District.
- 2.The Inspector of Police,
Lalapet Police Station,
Lalapet, Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.



Crl.R.C.(MD)No.225 of 2021

+1 CC to M/s.L.GEORGE PAUL ANTO, Advocate (SR-22310[F] dated
28/04/2022)

**Crl.R.C. (MD) No.225 of 2021
and**

**Crl.M.P (MD) No.2350 of 2021
27.04.2022**

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