

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	13.12.2021
Delivered on	03.01.2022

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.160 of 2021
and
Crl.M.P.(MD)Nos.1734 and 1736 of 2021

Nisanth

.. Petitioner/ Appellant/
Accused 3

Vs.

The Inspector of Police,
Kallakudi Police Station,
Tiruchirapalli-621 651.
(Crime No.580 of 2015)

.. Respondent / Respondent/
Complainant

Prayer : This criminal revision cases are filed under Section 397 and Section 401 of Cr.P.C., to call for the records and set aside the order and allowed the discharge petition dated 21.12.2020 made in Crl.M.P.No.437 of 2020 in C.C.No.17 of 2019 on the file of the learned Judicial Magistrate, Lalgudi, Trichy District.

For Petitioner : Mr.K.Rajendra Prasad

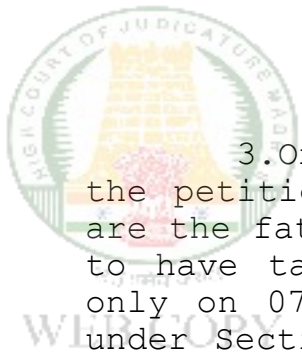
For Respondent : Mr.R.Sureshkumar
Government Advocate

ORDER

The case was registered against the petitioner in Crime No.580 of 2015, for the offence punishable under Sections 294(b), 323, 324, 355 and 506(ii) IPC. The case was taken on file in C.C.No.17 of 2019, on the file of the learned Judicial Magistrate, Lalgudi, Trichy District.

2.The petitioner filed a discharge petition under Section 239 of Cr.P.C. in Crl.M.P.No.437 of 2020 and that petition was dismissed by the trial Court. Against the same, the petitioner had

<https://hccases.mca.gov.in/services>



3. On the side of the revision petitioner, it is stated that the petitioner is arrayed as A3 in the case and the other accused are the father and mother of the petitioner. The occurrence is said to have taken place on 10.12.2015 and the charge sheet was filed only on 07.01.2019 after a lapse of four years. Only an offence under Section 323 IPC alone is made out against the petitioner and the case against the petitioner is time barred and on that ground, a discharge petition was filed before the trial Court. The petitioner is doing MCA in Thiyagaraja College, Madurai. On 10.11.2015 the petitioner was not at all in station and he was doing Seva in Melmaruvathur Temple. In fact, A1 was also a victim and on 17.07.2021 he has also filed a complaint for an offence under Sections 420 and 406 IPC against the Man Power Agency. But A1 and his family members were unnecessarily roped into this case and prayed the impugned order to be set aside and the petitioner to be discharged of the offences.

4. On the side of the prosecution, it is stated that the petitioner herein and other accused persons were filing petition after petition, now and then for the purpose of evading the trial proceedings. A2 in this case has also filed a discharge petition in Crl.M.P.No.438 of 2020 and the same was dismissed by the trial Court. The question of limitation raised by the petitioner is not applicable in this case registered under Section 420 IPC. The trial Court has found that a prima facie case was made out against the petitioner. Only to drag on the trial, the petitioner has come forward with the present petition and prayed the petition to be dismissed.

5. A copy of the bus ticket was filed on the side of the petitioner. The petitioner has claimed that he was doing Seva at Melmaruvathur Temple at the time of occurrence and that he booked a ticket from Perungalathur, Chennai to Trichy and booked ticket for his return journey on 11.11.2015. It is seen that the petitioner has not raised the plea of *alibi* at the time of filing the petition before the trial Court. *Alibi* cannot be decided by this Court in this petition. The other averment raised by the petitioner is that the offence against the petitioner is only under Section 323 IPC and the charge sheet was filed after a lapse of four years and hence, the petitioner is entitled for discharge. Under Section 468(3) of Cr.P.C., to decide the question of limitation major offence in the case has to be taken into consideration. The major offence in this case is under Section 420 IPC and the question of limitation mentioned by the petitioner under Section 468 IPC is not applicable to the present case. There is some specific overt act against the petitioner in the First Information Report.

6. In the above circumstances, there is nothing sufficient enough to interfere in the orders of the trial Court and hence, this



Criminal Revision Case is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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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 Judicial Magistrate, Lalgudi, Trichy District.

2.The Inspector of Police,
Kallakudi Police Station,
Tiruchirapalli-621 651.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C. (MD)No.160 of 2021
03.01.2022

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