



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2022

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.190 of 2021

WEB COPY

Munichamy

... Petitioner/Accused No.1

Vs.

State represented by,
The Inspector of Police,
All Women Police Station,
Manamadurai,
Sivagangai District.
(Crime No.16 of 2016)

... Respondent/Complainant

PRAYER: Criminal Revision Case filed under Section 397(1) read with Section 401 of the Code of Criminal Procedure, to call for the records and set aside the order dated 01.02.2021 passed in Cr.M.P.No.346 of 2020 in S.C.No.56 of 2017 on the file of the learned Sessions Judge, Fast Track Mahila Court, Sivagangai, Sivagangai District.

For Petitioner

: Mr.K.Veilmuthu

For Respondent

: Ms.M.Aasha

Government Advocate (Crl. Side)

ORDER

This revision has been filed as against the order passed in Cr.M.P.No.346 of 2020 in S.C.No.56 of 2017, dated 01.02.2021 on the file of the learned Sessions Judge, Fast Track Mahila Court, Sivagangai, Sivagangai District, thereby dismissing the petition filed under Sections 293 and 295 of Cr.P.C and also under Sections 45 and 73 of the Indian Evidence Act, 1872, to inspect the observation mahazar, rough sketch and analyze the signatures of prosecution witnesses 4 and 5 contained therein and compare the same with that of the signatures of those witnesses contained in their depositions, by sending such documents to handwriting expert.

2.The learned counsel appearing for the petitioner, who has been engaged by the petitioner, reported that already the entire bundle has been handed over to the petitioner and he had withdrawn his memo of appearance on behalf of the petitioner as early as on 01.12.2021. Even then, the petitioner failed to engage new counsel on record and no one present today either by any pleader or in person.



3. On a perusal of the records revealed that the petitioner and four others have been charged for the offences under Section 376 and 506(ii) of I.P.C. The victim is a mentally retarded person, aged about 27 years at the time of occurrence. She had been kept on crying and on enquiry, she informed that the petitioner herein had raped her six months earlier. The victim girl's mother, namely, the defacto complainant, had immediately visited the petitioner's house and the petitioner and other accused threatened her that they will burn her alive. After completion of investigation, the respondent filed a final report and the same has been taken cognizance in S.C.No.56 of 2017. After completion of all the witnesses including the defense witnesses, the evidence was closed. Thereafter, the petitioner applied for certified copy of the deposition and filed a petition in Crl.M.P.No.346 of 2020 alleging that the signatures of P.W.4 and P.W.5 do not match the observation mahazar and rough sketch in which they were witnesses and to have the same verified through a handwriting expert.

4. The petition is nothing but delay in tactics to prolong the trial. The said petition has been filed after a period of 10 years, that too, after closure of evidence and when the matter was posted for arguments. Therefore, the Court below rightly dismissed the petition and this Court finds no illegality or irregularity in the order passed by the Court below. Accordingly, this Criminal Revision Case is dismissed. However, the trial Court is directed to complete the trial in S.C.No.56 of 2017 within a period of two months from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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 Sessions Judge,
Fast Track Mahila Court,
Sivagangai, Sivagangai District.



2.The Inspector of Police,
All Women Police Station,
Manamadurai,
Sivagangai 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.(2 copies)

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