



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.09.2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.808 of 2022
in
Crl.MP(MD)Nos.9984 & 9985 of 2022

Rajadurai

.. Petitioner/Petitioner/Sole Accused

Vs.

The State Rep by
The Inspector of Police,
Madukkur Police Station,
Thanjavur,
Thanjavur District.
Crime No.547 of 2021.

.. Respondent/Respondent/Complainant

Prayer:- Criminal Revision petition is filed under Section 397 r/w 401 Cr.P.C, to call for the records relating to the order dated 24.06.2022 made in Cr.M.P.No.43 of 2022 on the file of Mahalir Neethimandram Fast Track Mahila Court, Thanjavur, in S.C.No.10 of 2022 on the file of Mahalir Neethimandram Fast Track Mahila Court, Thanjavur, dismissing the discharge petition and set aside the same as illegal and allow the above revision.

For Petitioner : Mr.Sulthan Basha. J

For Respondent : Mr.S.Ravi
Additional Public Prosecutor

**ORDER**

WEB COPY This Criminal Revision case has been preferred against the dismissal order that has been passed by the Mahalir Neethimandram Fast Track Mahila Court, Thanjavur, in S.C.No.10 of 2022, dated 24.06.2022.

2.Case in brief:-

The Village Administrative Officer of Athivetti West Village, namely, S.Gokul, lodged a complaint on 18.06.2021, stating that he received a information that the accused person namely, Rajadurai has detained one Meiyar and his family members as bonded/chars for working in his coconut grove. On the basis of the above said information, along with Sub Collector and Deputy Superintendent of Police, visited the accused's coconut grove. They found that the above said Meiyar and his family members were detained in the above said coconut grove illegally. Further, the accused compelled them to work since the Meiyar did not repay the amount of Rs.2.70 lakhs, which was borrowed by him. On the basis of the above said occurrence, complaint was given and a case was registered in Crime No.547 of 2021 for the offences under Sections 294(b), 342, 354A, 370, 374 IPC and Sections 16, 17 & 18 of Bonded Labour System (Abolition) Act, 1976.



3. After completing the investigation, final report was filed and it was submitted before the Sessions Court namely, Mahila Neethimandram, Fast Track Court, Thanjavur and it was numbered as S.C.No.10 of 2022. Seeking discharge, a petition has been filed under Section 227 of CR.P.C. That petition came to be dismissed by the Trial Court. Challenging the dismissal order, this Revision has been preferred.

4. Heard both sides.

5. The learned counsel for the petitioner would submit that even as per the allegation that has been made in the First Information Report as well as the final report, the ingredients of offences under Sections 294(b) and 342 of IPC are not attracted. For that purpose, he would rely upon the number of judgments are as follows:-

1.R.Elangovan Vs, State by the Inspector of Police, Edapaddi Police Station, Salem District reported in 2018 (1) L.W (Crl) 106

2.Crl.OP(MD)No.s.12404 & 13535 of 2017 dated 08.04.2022 in Senthil and another Vs. State by the Inspector of Police, City Crime Branch, Trichy City.



6.No doubt, in the facts and circumstances of the case whether the offences under Sections 294(b) and 342 IPC are attracted is a matter for consideration at the time of framing charges or tried as the case may be. The petitioner cannot be discharged from the prosecution.

7.The learned Additional Public Prosecutor would submit that the earlier attempt that was made by the petitioner to get away from the criminal prosecution, he was detained under Goondas Act. That was challenged by the wife of the petitioner in H.C.P.(MD)No.1010 of 2021.

8.Reading of the above said order shows that the petitioner is involved in several cases and he is a money lender. Lending money for day interest. So, even in this case, he was arrested and bail was also denied. Thereafter only detention order was imposed. That, HCP was dismissed, on 30.11.2021. The petitioner is involved in habitual nature and lending money for exorbitant interest. In such a way, he alleged to have lend money to the above said Meiyar family. When they were not in a position to repay the same, they were taken into the coconut grove and there, he confined them illegally. Serious allegation has been made against the petitioner. When the habitual nature of the petitioner is brought to the notice of this Court, on mere technical ground, the petitioner



wants to be discharged from the criminal prosecution which is not at all maintainable.

9.The offence of such nature and magnitude must be tried to its logical ends. Absolutely, I find no illegality or infirmity in the factual aspect that has been taken into account by the Trial Court. No interference is called for at the instance of this Court.

10.Accordingly, this Criminal Revision Case is **dismissed**. Consequently, the connected miscellaneous petitions are closed.

26.09.2022

Internet : Yes/No
Internet : Yes/No

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To

1.The Mahalir Neethimandram Fast Track Mahila Court,
Thanjavur.

2.The Inspector of Police,
Madukkur Police Station,
Thanjavur,
Thanjavur District.

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



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G.ILANGO VAN ,J.

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