



Crl.R.C.No.415 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2023

CORAM

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.R.C.No.415 of 2023

and

Crl.M.P.Nos.3145 & 3146 of 2023

P.Sampathkumar

... Petitioner

Vs.

The State Rep.by
The Inspector of Police,
District Crime Branch,
Namakkal.
Crime No.6 of 2017

... Respondent

PRAYER : Criminal Revision Case has been filed under sections 397 read with 401 of Criminal Procedure Code to call for the entire records in relation to order dated 12.01.2023 passed by the learned Judicial Magistrate Court No.I, Namakkal in Crl.M.P.No.3967 of 2022 in C.C.No.682 of 2019 and to set aside the same.

For Petitioner

: Mr.K.Sukumaran
For M/s.S.Senthil

For Respondent

: Mr.V.Meganathan
Government Advocate (Crl.Side)



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ORDER

The Criminal Revision Case has been filed challenging the impugned order dated 12.01.2023 passed in Crl.M.P.No.3967 of 2022 in C.C.No.682 of 2019 by the learned Judicial Magistrate Court No.I, Namakkal.

2. The learned counsel for the petitioner submitted that the petitioner is a practising Advocate and on the report of the Deputy Registrar of Madras High Court, a complaint has been registered and the respondent police prosecuted the petitioner/accused for the offence under Sections 466, 468, 471 & 420 I.P.C.

3. The learned counsel for the petitioner further contended that the offence is not made out and no material is available on the prosecution side. Further there is no evidence on record to comply the requirement for the definition under Section 466 I.P.C. In the absence of any material to proceed further, charge cannot be framed and seeks to discharge the petitioner from the criminal proceedings and set aside the impugned order and allow the



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revision petition. He further submitted that in the event, this Court is not agreeable to this contention, the trial Court may be directed to decide the case on merit without any influence and without prejudice, as the complaint has been given by the Deputy Registrar.

4. The learned Government Advocate (Crl.Side) for the respondent objected to discharge the petitioner from the criminal proceedings. The order produced before the police is not an order passed by this Court and it was a forged one. Therefore, seeks to dismiss the revision petition.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and I have considered the materials on record.

6. On a perusal of the records, the fact reveals that the respondent police having prosecuted the petitioner/accused based upon the case registered in pursuance of the complaint given by the Deputy Registrar of



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the High Court, Madras and the petitioner/accused is a practising Advocate of Namakkal. Further the fact reveals that M.Krishnamoorthy, S/o.Karuppannan residing at 2/107, Karukalpalayam, Pappinaikenpatti post, Namakkal District, produced an order of High Court for granting permission for conducting Adal Padal programme scheduled to be held on 26.05.2015. The Inspector of Police, Namakkal suspecting the order of High Court in W.P.No.18344 of 2016 dated 25.05.2016 clarified the matter and thereafter found that the order is a fake one. Hence after intimation to the High Court, a case has been registered upon the complaint given by the Deputy Registrar, High Court of Madras. Charge sheet has been filed. At that stage, a petition to discharge is filed. In these circumstances, the learned Magistrate found *prima facie* case for proceeding against the petitioner. Hence dismissed the petition.

7. While framing of charge, the duty of the Court is to consider whether *prima facie* case is available to proceed against the person stands before the Court and need not conduct a detailed enquiry and vital evidence



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of the case. Therefore, the Trial Court *prima facie* considered and dismissed the petition. I find no illegality or infirmity in the order of the Trial Court and no merit in the revision petition.

8. The learned counsel for the petitioner contended that as the complaint has been given by the Deputy Registrar, the trial Judge may not get prejudiced against the accused and seeks to dispose the petition expeditiously. It is hereby directed that the Trial Court shall decide the case on merit without any prejudice and influence and dispose the case as expeditiously as possible . Accordingly, this Criminal Revision Case stands dismissed. Consequently, the connected Criminal Miscellaneous Petitions are also dismissed.

9. The learned counsel for the petitioner submitted that the petitioner being a practising Advocate his personal appearance may be dispensed with. Considering the request of the petitioner, his personal appearance before the Trial Court is dispensed with on condition that he shall appear before the



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Trial Court for further proceedings whenever required by the trial Court.

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To

1.The Judicial Magistrate Court No.I, Namakkal

2.The Inspector of Police,
District Crime Branch,
Namakkal.

3.The Public Prosecutor,
High Court of Madras,
Chennai-104.



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V.SIVAGNANAM, J.,

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