



CrI.R.C.No.496 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2023

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.496 of 2020

1.V.Joseph Wilson
2.C.Mohamed Nizar
3.K.Arun Kumar
4.S.Raja

... Petitioners

Versus

State rep.by
Station House Officer,
Sedarapet Police Station,
Puducherry – 605 111,
Crime No.49 of 2016.

... Respondent

Criminal Revision Case filed under Section 397 r/w 401 Criminal Procedure Code, to call for the records relating to the impugned order dated 10.02.2020 made in Cr.M.P.No.2839 of 2018 in C.C.No.92 of 2018 on the file of the Judicial Magistrate No.IV, Puducherry and quash the same.

For Petitioners	:	Ms.Shunmugapriya K for Mr.R.Prabhakaran
For Respondent	:	Mr.V.Balamurugane Public Prosecutor (Puducherry)



ORDER

This Criminal Revision Case has been filed against the impugned order dated 10.02.2020 made in Cr.M.P.No.2839 of 2018 in C.C.No.92 of 2018 by the learned Judicial Magistrate No.IV, Puducherry.

2. The petitioners are arrayed as A1 to A4 in C.C.No.92 of 2018 on the file of the Judicial Magistrate Court No.IV, Puducherry. Pending Calendar Case, the petitioners herein filed a petition under Section 258 Cr.P.C in Crl.M.P.No.2839 of 2018 to discharge them from the charged offences. The said petition was dismissed by the Court below. Aggrieved by the same, the petitioners have filed the present revision.

3. It is a well settled proposition of law that while considering the discharge petition filed under Section 258 Cr.P.C, the Court has to see the materials produced by the prosecution, but, not the defence taken by the accused. On a perusal of the entire materials, it is seen that there are *prima facie* allegations levelled against the petitioners to proceed with the matter further. Therefore, the defence taken by the accused persons can be decided only after trial and not at this stage.



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4. Under the above circumstances, this Court does not find any merit in this revision. Accordingly, this Criminal Revision Case is dismissed. However, the petitioners are at liberty to take all their defence during the trial.

5. The learned Judicial Magistrate No.IV, Puducherry is directed to dispose of C.C.No.92 of 2018 on merits and in accordance with law, preferably, within a period of three months from the date of receipt of a copy of this order and file a compliance report before this Court. It is made clear that no extension of time would be granted to dispose of the matter. Both the parties are directed to extend their fullest co-operation to comply with the order of this Court.

05.01.2023

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation Case : Yes/No
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To

- 1.The Judicial Magistrate No.IV,
Puducherry.
- 2.The Station House Officer,
Sedarapet Police Station,
Puducherry – 605 111.
- 3.The Public Prosecutor,
Puducherry.



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P.VELMURUGAN, J.

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