



Crl.R.C. No. 901 of 2023 & Crl. M.P. Nos.7356 & 7357 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 20.09.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R.HEMALATHA**

Crl. R.C. No.901 of 2023 &
Crl.M.P. Nos. 7356 & 7357 of 2023

G. Kumutha

...Petitioner

Vs.

The Inspector of Police
District Crime Branch
Vellore

...Respondent

Prayer : Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C. against the orders dated 09.05.2023 in Crl.M.P. No.12272 of 2022 in C.C. No.206/2020, on the file of the Judicial Magistrate No.2, Vellore.

For Petitioner : No appearance.

For Respondent : Mr. R.Vinothraja

Government Advocate (Crl. Side)



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ORDER

Challenge in this Criminal Revision is made to the orders dated 09.05.2023 in Crl.M.P. No.12272 of 2022 in C.C. No.206/2020, on the file of the Judicial Magistrate No.2, Vellore.

2. This Criminal Revision Case is posted today under the caption 'Adjourned Admission' and there is no representation on behalf of the revision petitioner.

3. The present revision petitioner is the 2nd accused in C.C.No.206/2020, on the file of the Judicial Magistrate No.2, Vellore, for the offences punishable under Sections 294(b), 506(ii), 406, 420 and 120(B) IPC.

4. The revision petitioner filed a petition under Section 239 Cr.P.C. in Crl. M.P. No.12272 of 2022 in C.C. No.206 of 2020 before the learned Judicial Magistrate No.2, Vellore, for discharging him from the



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offences under Sections 294(b), 506(ii), 406, 420 and 120(B) IPC. The Trial Court Judge, by a well considered order, dismissed the said petition by observing thus:

i) The petitioner/Accused side argued petition under Section 239 of Cr.P.C. filed by petitioner/Accused. This petitioner submits that the respondent filed a charge sheet against the petitioner under Section 294(b), 506(2), 420, 406, 120 B of IPC. The case of Petitioner/Accused was falsely implicated, she never committed any offence. She got a Power from the De-facto complainant on 27.05.2011 vide Registered Document No.440/2011 and the same was canceled by the defacto complainant on 27.02.2013 vide Document No.2017/2013. Thereafter the said power property has been sold out by the De-facto-complainant on 14.08.2014 to and in favour of one Karuna V.E. vide Document No.6911 of 2014. Therefore there is no question of cheating the threatening.

Further argued that the petitioner respectfully submits that the respondent unanimously registered the case against the accused after knowing that she is no way connected with this case. Therefore filed this petition,



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The respondent side argued that the petition filed by the petitioner/accused is not maintainable either in law or on facts of the case. It is hereby further submitted that the petitioner accused has violated the power of attorney given by defacto complainant Ravi. Therefore the accused has convinced the defacto complainant to take power of attorney from him and criminal breach of trust him, cheated him and commit criminal offence. It is hereby further submitted that on perusal of the Section 161(3) Cr.P.C. Statement witness, who clearly and categorically established the direct involvement of the said petitioner/accused in the Prosecution case and also identified the said petitioner/Accused.

Further more submitted that as per our Hon'ble Apex Court ruling in RADHEY SHAYAN Vs. KUNJ BIHARI, AIR 1990 SC 121, clearly states that, "At the stage of framing charge meticulous consideration of evidence is not required, the trial court has the limited purpose of finding out, whether or not a prima facie case is made out against



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the accused' all the 161 statements are clearly made out the prima facie case of the prosecution. Hence the claim of the petitioner/accused seeking discharge, the charge against her is not at all sustainable or maintainable as petitioner/accused, there is prima facie case made out against the accused. Hence this petition is dismissed.

This court carefully considered and perused relevant document and arguments. The petitioner side mentioned Accused-2 Kumutha was falsely implicated and there is no question of the cheating and threatening. In this case by the power property has been sold out by the Defacto Complainant on 14.08.2014 to and in favour of one Karuna V.E. vide document No.6911 of 2014. Thereafter this petition filed by the petitioner/accused purpose of Discharge the petitioner. Already prosecution side clearly said that the petitioner/accused involved in the crime in this case and the evidence and documents for the accused involvement in the crime. The respondent side cited in case laws in RADHEY SHAYAN Vs. KUNJ BIHARI, AIR 1990 SC 121, it was observed that the charge against her is not at all sustainable or maintainable as there is prima facie case made out against the petitioner. This court observed



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All the observations made by the Trial Court Judge are perfectly in order and I do not see any reason to interfere with the same.

5. In the result,

- i. the Criminal Revision Case is dismissed. Consequently connected miscellaneous petitions are closed.
- ii. The orders dated 09.05.2023 in Crl.M.P. No.12272 of 2022 in C.C. No.206/2020, on the file of the Judicial Magistrate No.2, Vellore, is confirmed.

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Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
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R. HEMALATHA, J.
bga

To

The Judicial Magistrate No.2, Vellore

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