



Crl.R.C.No.1160 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2023

CORAM

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

Crl.R.C.No.1160 of 2023

Kaja @ Kaja Hussain

... Petitioner

Vs.

The State Rep. by
Inspector of Police,
Central Crime Branch,
Tiruppur.

... Respondent

Prayer : Criminal Revision filed under Section 397 & 401 of Criminal Procedure Code 1973 to call for the records pertaining to Crl.M.P.No.2241 of 2022 in C.C.No.724 of 2014 on the file of the learned Judicial Magistrate No.1, Tiruppur and to set aside the order dated 02.09.2022.

For Petitioner : Mr.R.Prabhakaran

For Respondent : Mr.J.Subbiah, GA (Crl.side)

ORDER

The present criminal revision petition is filed by the revision petitioner, who is the third accused in C.C.No.724 of 2014 on the file of the Judicial Magistrate No.1, Tiruppur. He filed the petition in



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Crl.M.P.No.2241 of 2022 under Section 239 Cr.P.C., praying to discharge him for the offences for which he has been charged.

2. The case of the prosecution is that all the accused conspired with each other and created a fake company and procured 9000 kilograms of yarn from the defacto complainant. According to the prosecution only a part amount was paid by the accused and the balance amount is yet to be paid. Therefore, all the accused were charged for the offences punishable under Sections 120-B, 406 & 420 of IPC and the learned Judicial Magistrate No.1, Tiruppur had furnished copy of the records under Section 207 of Cr.P.C., and questioned the accused and the charges were also framed against him. All the accused denied of having committed any offence. Thereafter, the third accused filed the present petition under Section 239 Cr.P.C., to discharge him from the offences.

3. The contention of the third accused is that main prosecution witnesses, viz., LW-1 & LW-2 did not state anything against the present accused and therefore, he has to be discharged.



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4. Heard, Mr.R.Prabhakaran, learned counsel for the revision petitioner and Mr.J.Subbiah, learned Government Advocate (Crl. Side) for the respondent.

5. Learned Government Advocate (Crl. Side) for the respondent contended that the police had filed additional statements of LW-1 & LW-2 in which they have clearly stated about the involvement of the present revision petitioner in the offences.

6. It is seen from the records that the respondent/police had filed additional statements of LW-1 & LW-2 wherein, they specifically stated that the third accused had conspired with A1 & A2 and committed offences punishable under Sections 420 & 406 IPC. This aspect was taken into account by the trial Court while dismissing the Crl.M.P.No.2241 of 2022. Moreover, the trial Court has also observed that all the allegations made against the present revision petitioner can be gone into only at the time of trial and since there is a prima facie case



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against him, he cannot be discharged from all the offences of which he has been charged. The learned Judicial Magistrate No.1, Tiruppur had rightly dismissed the application filed by the present revision petitioner, which requires no interference by this Court. Accordingly, the present Criminal Revision is dismissed. No costs.

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Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl



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R. HEMALATHA, J.
mtl

To

1. The State Rep. by
Inspector of Police,
Central Crime Branch,
Tiruppur.
2. The Judicial Magistrate No.1, Tiruppur.
3. The Section Officer,
Criminal Section, High Court, Madras.

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