



Crl.R.C.No.1990 of 2023 &
Crl.M.P.No.18428 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2023

CORAM:

THE HON'BLE MR.JUSTICE **M. NIRMAL KUMAR**

Crl.R.C.No.1990 of 2023 &
Crl.M.P.No.18428 of 2023

S.Gunasundari ... Petitioner

Vs.

The State Rep. by
1.The Inspector of Police,
Vellimedupettai Police Station,
Vellimedupettai, Tindivanam Taluk,
Villupuram District.
(Cr.No.204 of 2015)

2.Rukmani

3.Valarmathi

4.Gobi

5.Rajalakshmi

6.Parameshwari ... Respondents

PRAYER: Criminal Revision filed under Section 397 r/w 401 of Cr.P.Ct to
set aside the order dated 15.12.2022 passed in Crl.M.P.No.4340 of 2022 in



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C.C.No.312 of 2016 on the file of the Judicial Magistrate – II, Tindivanam, Villupuram District consequently directing the 1st respondent police to amend the charge sheet already filed before the learned Judicial Magistrate – II, Tindivanam, Villupuram District and file the amended charge sheet by including the accused persons viz., Rukmani, Valarmathi, Gobi, Rajalakshmi and Parameshwari before the learned Judicial Magistrate – II, Tindivanam, Villupuram District.

For Petitioner : Mr.R.Hemalatha

For Respondent 1 : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed to set aside the order dated 15.12.2022 passed in Crl.M.P.No.4340 of 2022 in C.C.No.312 of 2016 on the file of the learned Judicial Magistrate – II, Tindivanam, Villupuram District.

2. The petitioner who is the defacto complainant lodged a complaint with the respondent police based on which, the case in crime No.204/2015 came to be registered. In the FIR, the eight persons' names were registered. But, while filing charge sheet, only six persons' names were there. The petitioner aggrieved the way in which the investigation concluded not



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arraying the other accused involved in this case namely Rajendran, Kalaiarasi, Rukmani, Valarmathi, Gobi, Rajalakshmi and Parameshwari, had filed a protest petition before the learned Judicial Magistrate-II, Tindivanam which was dismissed. Hence, the petitioner had preferred a revision in Crl.R.C.No.288 of 2016 and this court by order dated 04.04.2016 had recorded that the stage of the petition is early and directed the Magistrate to consider the petitioner's prayer for the let out accused as and when the evidence against them is found. The petitioner was examined as PW4. In her evidence, the petitioner had spoken about the overtact of each of the persons whose names have been left out. Thereafter, the respondent police had filed a petition under section 319 Cr.P.C to include seven persons as accused. The lower court by order dated 15.12.2022 had allowed the petition partly including the name of Rajendran and Kalaiarasi, finding that the evidence and materials are available against them and negatived the prayer as against five other persons. Aggrieved against the same, the petitioner had filed the present revision.

3. Learned Additional Public Prosecutor submits that the trial court



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considering that the two persons whose names have been left out and whose names were also found in the A.R. copy at the earliest point of time, which is corroborated with the evidence of PW4 and name found in the FIR, had rightly included the name of Rajendran and Kalaiarasi, as regards, other five persons, the trial court on the material and evidence available, found that their names cannot be included. He further submitted that the lower court following the judgment of the Hon'ble Supreme Court in the case of ***Hardeep Singh vs. State of Punjab & Others*** reported in (2014) 3 SCC 92 , found enough evidence and taken cognizance against them. He further submits that this is a case in counter and the counter case is pending trial before the same court in C.C.No.311/2016 and it is at the stage of summons to LW1 to LW3. Hence, he opposed the petition.

4. Considering the submissions made on either side and on perusal of the materials available, this Court finds that the order of the lower court is a detailed one, extracting the evidence against the persons whose names have been included as accused and as regards the other persons, it had given reasons for rejecting their names to be included in the case. In view of the



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same, this Court finds no reason to interference with the orders of the lower court. Hence, the petition is dismissed. Consequently, connected miscellaneous petition is closed.

5. In view of the fact that the offence is of the year 2015 and the C.C. is of the year 2016, the trial court is directed to try both the cases and separately render judgments in both cases on the same day.

24.11.2023

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To

1.1.The Inspector of Police,
Vellimedupettai Police Station,
Vellimedupettai, Tindivanam Taluk,
Villupuram District.

2.The Judicial Magistrate – II, Tindivanam, Villupuram District

3.The Public Prosecutor,
High Court, Madras.



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M. NIRMAL KUMAR, J.

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