



Crl.R.C.(MD) No.624 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.624 of 2023

and

Crl.M.P(MD)No.8869 of 2023

Soundar @ Soundarpandi

: Petitioner

Vs.

The State rep.by the Inspector of Police,
Cumbum North Police Station,
Theni District.
Crime No.630 of 2020.

: Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records in Crl.M.P.(MD)No.122 of 2021 in S.C.No.17 of 2021, dated 23.09.2022 on the file of the learned Subordinate Judge, Uthamapalayam, Theni District and set aside the same.

For Petitioner : Mr.S.Mahendrapathy

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl. Side)



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ORDER

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This Criminal Revision Petition is directed against order passed in CrI.M.P.(MD)No.122 of 2021 in S.C.No.17 of 2021, dated 23.09.2022 on the file of the learned Subordinate Judge, Uthamapalayam, Theni District, dismissing the petition filed under Section 227 Cr.P.C, to discharge the petitioner/accused.

2. On the basis of the complaint lodged by one Kalyanakumar, F.I.R., came to the registered in Crime No.630 of 2020 against three persons including the petitioner for the offence under Sections 294(b), 323 and 307 I.P.C and after initial investigation, the case was altered into Sections 294(b), 323, 326, 307 r/w 34 IPC. After completing the investigation, the respondent has laid the final report against the very same three persons including the petitioner for the alleged offence under Sections 294(b), 323, 326, 307 r/w 34 IPC.

3. During the pendency of the above case, the petitioner has filed an application under Section 227 of Cr.P.C, seeking discharge. The learned Assistant Sessions Judge, considering the materials available on record and on hearing both sides, has passed the impugned order, dismissing the application.



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Aggrieved by the order of dismissal, the second accused has come forward with the present revision.

4. The main contention of the learned counsel for the petitioner is that there is no specific overt act alleged against the present petitioner; that in the accident register, the injured has only alleged that he was attacked by one known person; that the petitioner is a B.A graduate and that he has been falsely implicated in the above case.

5. As rightly pointed out by the learned Government Advocate (Criminal Side), the petitioner's name finds place in the FIR and after investigation, final report has also been filed as against three persons, who were named in the FIR. According to the prosecution, the petitioner was very much available in the place of occurrence. It is the specific case of the prosecution that all the accused, by abusing the defacto complainant in filthy language, attacked him and also caused injuries. The learned Assistant Sessions Judge by observing that there are sufficient grounds for presuming the complicity of the accused, dismissed the petition.



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6. Considering the above facts and circumstances of the case and also on perusal of the records, this Court is of the clear view that the points/aspects raised by the petitioner, are mater for trial and that the impugned order, dismissing the application cannot be found fault with. Hence, this Court concludes that the criminal revision is devoid of merits and the same is liable to be dismissed. Accordingly, is dismissed.

7. Considering the submission made by the learned counsel for the petitioner that the petitioner is a graduate and is expecting competitive examination, the trial Court is directed to complete the trial and dispose of the case as expeditiously as possible preferably within a period of four months from the date of receipt of copy of this order. Consequently, connected Miscellaneous Petition is closed.

22.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
das



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To:-

- 1.The Subordinate Judge,
Uthamapalayam, Theni District
- 2.The Inspector of Police,
Cumbum North Police Station,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

das

ORDER MADE IN
CrI.R.C.(MD)No.624 of 2023
and
CrI.M.P(MD)No.8869 of 2023

22.06.2023