



Crl.R.C.(MD).No.682 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 04.07.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC(MD)No.682 of 2023

1.Kamalraj ... 1st Petitioner/2nd Respondent/
Accused No.2

2.Vasanth Kumar ... 2nd Petitioner/4th Respondent/
Accused No.4

Vs.

1.State represented by
The Inspector of Police,
Ilayankudi Police Station,
Sivagangai District.
Crime No.61 of 2021. ... 1st Respondent/1st Respondent/
Complainant

2.Kalyana Sundaram ... 2nd Respondent/2nd Respondent/
Defacto Complainant

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records relating to the order dated 22.06.2022 in Cr.MP.No.2440 of 2021 in Crime No.61 of 2021 on the file of the learned District Munsif cum Judicial Magistrate Court, Ilayankudi and set aside the same.



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For Petitioners : Mr.T.Antony Arul Raj

For R1 : Mr.R.Sivakumar
Government Advocate (Crl.Side)

ORDER

This Criminal Revision is filed against the order passed by the learned District Munsif cum Judicial Magistrate Court, Ilayankudi, in Cr.MP.No.2440 of 2021, dated 22.06.2022.

2. The petitioners, who are accused No.2 and 4 in Crime No.61 of 2021 filed Crl.MP.No.2440 of 2021 before the learned District Munsif Cum Judicial Magistrate Court, Ilayankudi.

3.The case has been registered against the petitioners and other persons in Crime No.61 of 2021 for the offences under Sections 147, 148, 294(b), 323, 324 and 506(2) of IPC. After completion of investigation, the Investigating Officer deleted the name of the petitioners in the FIR and also filed a deletion report before the learned District Munsif Cum Judicial Magistrate Court, Ilayankudi. Aggrieved against the said deletion report, the defacto complainant filed a petition in Cr.MP.No.2440 of 2021, before the same Court. The learned Judicial Magistrate, after considering the materials available on record found that there



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was *prima facie* to take cognizance against the petitioners herein under Sections 294(b), 323, 147, 148 and 506(ii) of IPC. Hence, taken the case for cognizance in C.C.No.30 of 2022. Aggrieved against the same, present petition has been filed by the petitioners.

4.This Court does not find any merit in this petition to set aside the order passed in Crl.MP.No.2440 of 2021 and hence, without expressing the opinion on merits, dismissed the Criminal Revision Case with liberty to the petitioners to raise all contentions before the Trial Court.

5.Further, considering the fact that the petitioners are student, this Court is inclined to dispense with the personal appearance of the petitioners before the trial Court, on conditions that they shall appear at the time of initial questioning, proceedings under Section 313 of Cr.P.C., and at the time of passing judgment and on the hearings, specifically directed by the trial court. The petitioners are further directed to give an undertaking in the form of affidavit that they will be duly represented by a counsel on all hearing dates and that the Counsel representing them will cross examine the prosecution witnesses on the date of chief examination. The petitioners shall not dispute the identity of the



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witnesses. The petitioners shall appear before the Court in the event their presence is insisted by the trial judge for the purpose of identification. If the petitioners adopt any dilatorial tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners in accordance with the judgment of Supreme Court of India, *in State of Uttar Pradesh Vs. Shambunath Singh*, reported in *2001 (4) SCC 667*. .

04.07.2023

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
dss

To

- 1.The District Munsif cum Judicial Magistrate Court,
Ilayankudi.
- 2.The Inspector of Police,
Ilayankudi Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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