



Crl.R.C.(MD) No.538 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.538 of 2023

and

Crl.M.P.(MD)Nos.7735 and 7738 of 2023

J.Balamurugan

: Petitioner/Accused No.1

Vs.

State rep.by

The Inspector of Police,
Palayanur Police Station,
Sivagangai District.
(Crime No.8 of 2020)

: Respondent/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.No.256 of 2021 in S.C.No.63 of 2021 on the file of the learned Subordinate Judge, Manamadurai and set aside the order, dated 06.01.2023 passed therein and to consequently, discharge the petitioner from all the charges in the above mentioned case.

For Petitioner : Mr.I.Murugesan

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



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ORDER

This Criminal Revision Petition is directed against the order passed in Crl.M.P.No.256 of 2021 in S.C.No.63 of 2021 on the file of the learned Subordinate Judge, Manamadurai, in dismissing the petition for discharge.

2. It is seen from the records that the revision petitioner, who is the first accused and three other accused have filed applications in Crl.M.P.Nos.256 , 257, 258 and 259 of 2021, claiming discharge. The respondent Police has raised objections and the learned Judge, after enquiry, has passed the impugned order, dismissing the said applications. Aggrieved by the dismissal order, the first accused has now come forward with the present criminal revision.

3. The main ground canvassed by the learned counsel for the petitioner is that the petitioner was working as Guard in the house of Secretary to the Bar Council of Tamil Nadu and Pudhucherry and the Secretary, Bar Council of Tamil Nadu and Puducherry, has issued a letter stating that the



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petitioner/accused was available in their house and was working at the time of alleged occurrence. As rightly contended by the learned Government Advocate (Criminal Side), the plea of alibi cannot be gone into at this stage and is a matter for trial.

4. The next contention canvassed by the learned counsel for the petitioner is that the above complaint came to be lodged only at the instigation of a Police Constable, who is working in Battalion. This aspect also cannot be gone into in this application for discharge and is a matter for trial.

5. Except the above two grounds, the petitioner has not canvassed any other reason or ground for discharge.

6. Considering the above facts and circumstances of the case and also the materials available on record, the impugned order, dismissing the discharge application cannot be found fault with. Consequently, this Court concludes that the criminal revision is devoid of merit and the same is liable to be dismissed.



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7. In the result, the Criminal Revision is dismissed. However, the petitioner is at liberty to take the above pleas before the trial Court, if so advised. Consequently, connected Miscellaneous Petitions are closed.

05.06.2023

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

To:-

- 1.The Subordinate Judge, Manamadurai.
- 2.The Inspector of Police,
Palayanur Police Station,
Sivagangai 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
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