



Crl.R.C.(MD) No.565 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **19.06.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **K.MURALI SHANKAR**

Crl.R.C.(MD)No.565 of 2023
and
Crl.M.P.(MD)No.8102 of 2023

1.Arumugam
2.Prabhakaran

... Petitioners/Petitioners/
Accused 2 and 4

Vs.

The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.

... Respondent/Respondent/
Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order passed in Crl.M.P.No.1128 of 2017 in S.C.No.44 of 2017, dated 26.04.2023, on the file of the learned Sessions Judge (Mahalir Neethimandram), Fast Track Mahila Court, Ramanathapuram and set aside the same.



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For Petitioner : Mr.S.Lawrence Vimalraj
For Respondent : Mr.SS.Madhavan
Government Advocate (Crl. side).

ORDER

This Criminal Revision Petition is directed against the order passed in CrI.M.P.No.1128 of 2017 in S.C.No.44 of 2017, dated 26.04.2023, on the file of the Fast Track Mahila Court, Ramanathapuram, in dismissing the petition filed under Section 227 Cr.P.C., to discharge the petitioners from the above case.

2. The respondent police has registered a case in Cr.No.232 of 2014 on 01.10.2014 under Section 392 r/w 302 I.P.C., against the unknown persons and after completing the investigation, the respondent has filed the final report on 02.12.2015 against four persons including the petitioners for the alleged offence under Sections 202 and 392 r/w 302 I.P.C., and after committal to the Sessions Court, the same was taken on file in S.C.No.44 of 2017 and is pending on the file of the Fast Track Mahila Court, Ramanathapuram. Pending case, the petitioners who are the accused 2 and 4, have filed an application seeking discharge under Section 227 Cr.P.C.



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3. The main contention of the learned Counsel for the petitioner is that the petitioners have been implicated in the above case as there existed previous enmity between them and the Investigating Officer. He would submit that the petitioners have lodged a complaint with the Investigating Officer that some persons in the Kamuthi bus stand were operating the own board cars and since he has not taken any action, they have lodged a complaint with the higher officials and due to that vengeance, he has implicated them by alleging that the Indica car bearing Registration No.TN-65-Y-3129 and a two wheeler bearing Registration No.TN-45-AL-8906 owned by the petitioners were used for the commission of the offence, that there is absolutely no direct evidence against the petitioners for the alleged offence and that the Investigating Officer, without proper investigation, has laid the charge sheet implicating them as accused 2 and 3.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the accused 1 and 3 have given voluntary confession statement wherein they have specifically stated about the involvement of the petitioners and the first accused went to the extent of saying that the first



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petitioner had taken them in his vehicle to the occurrence place and he had also attacked the deceased with a sword. He would further submit that as per the case of the prosecution, both the petitioners were very much available in the occurrence place.

5. As rightly contended by the learned Government Advocate(Crl.Side), if the petitioners are taking a stand that they were not present in the place of occurrence, they can raise the plea of alibi before the trial Court and the same cannot be gone into at this stage. Except the alleged enmity between the Investigating Officer and the petitioners, the petitioners have not raised any other valid or sufficient ground to impugn the charge sheet and to discharge them. The learned trial Judge, after elaborate discussion, has come to the decision that there are very strong circumstances against the petitioners, which are the matters to be decided at the trial.

6. Considering the facts and circumstances and also the submissions made by the learned Counsel appearing on either side, the order of the trial Judge dismissing the discharge petition cannot be found fault with. Hence, this Court



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concludes that the Criminal Revision Case is devoid of merits and the same is liable to be dismissed.

7. At this juncture, the learned Counsel for the petitioners would submit that the trial Court may be directed to dispose of the case within a stipulated time as fixed by this Court.

8. In the result, the Criminal Revision Case is dismissed. Consequently, the connected Miscellaneous Petition is also dismissed. Considering the fact that the case is pending from the year 2017, the trial Court is directed to dispose of the case in S.C.No.44 of 2017 within a period of four months from the date of receipt of a copy of this order.

19.06.2023

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

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K.MURALI SHANKAR, J.

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To

1. The Fast Track Mahila Court, Ramanathapuram.
2. The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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