



Crl.R.C.No.1714 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1714 of 2024

and

Crl.M.P.No.14125 of 2024

K.Ramasamy

...Petitioner/P.W.1/*De-facto* complainant

Vs.

1.The State Rep. by

The Sub-Inspector of Police,
Irumbulikulurichi Police Station,
Ariyalur District.
(Crime No.216/2016)

... Respondent/Petitioner/Complainant

2.Balakrishnan

3. Vinoth

4.Megala

...Respondents/Respondents/Accused 1 to 3

5. Kavinilavan

6.Mugilnilavan

...Respondents/Respondents/Proposed Accused 4 & 5



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PRAYER: Criminal Revision Petition filed under Section 397 and 401 of the Cr.P.C. to call for the records in Crl.M.P.No.798 of 2019 in CC.No.118 of 2019 dated 02.07.2024 on the file of the District Munsif and Judicial Magistrate, Sendurai, Ariyalur District and revise the same.

For Petitioner : Mr.Kamadevan

For R1 : Mr.V.J.Priyadarsana
Government Advocate (Crl.Side)

ORDER

The *de-facto* complainant/P.W.1 has preferred the above revision challenging the dismissal of the petition filed by the prosecution under Section 319 Cr.P.C. to add two other persons as accused.

2. The learned counsel for the petitioner would submit that the evidence of P.W.1/*de-facto* complainant would show that the proposed accused/A4 and A5 were also involved in the offence of 294(b), 324 and 506 (2) of the IPC; and that the prosecution based on the evidence had filed the petition under Section 319 Cr.P.C and therefore, the trial Court erred in dismissing the said petition.



3. The learned Government Advocate (Crl.Side) for the first respondent, *per contra*, submitted that though their petition under 319 of Cr.P.C was dismissed, the prosecution has not chosen to file any revision challenging the said order.

4. On perusal of the impugned order, this Court finds that the earliest version of the victim in the complaint is that three persons attacked him (i.e.) A1 to A3. Further, the victim had also told the doctor that three persons had attacked the victim. The FIR was lodged against A1 to A3 and the final report after investigation was filed against them. The petitioner/P.W.1/*de-facto* complainant had not protested then against the non-impleading of the proposed accused.

5. P.W.1/petitioner/*de-facto* complainant, for the first time, in his deposition, would state that the proposed accused, who were the fourth and fifth respondents herein, were also involved. It is seen that the proposed accused were juveniles at the time of the occurrence. Further, since the allegation against them came as an afterthought, the trial Court found that



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there is no material to summon them as accused. This Court finds no infirmity in the said finding of the trial court. Hence, the petition is liable to be dismissed.

6. Hence, the Criminal Revision Case stands dismissed. Consequently, the connected miscellaneous petition is closed.

05.11.2024

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To

- 1.The District Munsif and Judicial Magistrate,
Sendurai,
Ariyalur District.
2. The Sub-Inspector of Police,
Irumbulikulurichi Police Station,
Ariyalur District. .
- 3.The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN., J.

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