



Crl.R.C.No.2081 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2081 of 2024
and Crl.RC.Nos.16710 & 16712 of 2024

Velmariappan

... Petitioner

Vs.

State rep. By
The Deputy Superintendent of Police,
OCU-II, CBCID,
Egmore, Chennai.

... Respondent

PRAYER: Criminal Revision Case filed under Section 438 of BNSS to set aside the order passed in Crl.M.P.No.69 of 2019 by the learned XI Metropolitan Magistrate, Saidapet, Chennai dated 10.12.2019.

For Petitioner	:	Mr.R.C.Paul Kanagaraj
For Respondent	:	Mr.V.J.Priyadarsana Government Advocate (Crl. Side)

ORDER

The revision petition challenges the dismissal of the discharge petition by the learned Magistrate.



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2.The case of the prosecution is that one Manojrajan who is aged about 36 years is deaf and dumb and has a mental disability was admitted in a Charity Home by one Anandan; that in the year 2015 one Priyadharshini, who is said to be wife of Manojrajan had filed a Habeas Corpus Petition before this Court and this Court had ordered status quo; that on 04.12.2016 at about 2.00 p.m., the said Priyadharshini, her sister and few others along with the petitioner had gone to the Home and under the guise of meeting him had taken the said Manojrajan from the Home and that on the complaint of the Managing Trustee of the Home, an FIR was registered.

3.On investigation, the respondent filed a final report against the petitioner, who is arrayed as A11 and ten others alleging the commission of the offence under section 120(b), 365, 347 and 420 IPC. The petitioner filed a discharge petition before the Trial Court and the same was dismissed on 10.12.2019.

4.The learned counsel for the petitioner would submit that none of the



witnesses and the documents would implicate the petitioner; that the evidence at best discloses the presence of the petitioner which is not sufficient to establish the offence of kidnapping and that the petitioner was only doing his professional duty. He would further submit that the petitioner is sought to be implicated in one instance of kidnapping and that in the other instance he is not involved and he is sought to be prosecuted for the offence of conspiracy which is erroneous.

5.Heard the learned Government Advocate (Crl. Side) appearing on behalf of the respondent.

6.It is well settled that at the stage of charge framing, grave suspicion is sufficient to frame charge. The probative value, the veracity and the effect of the evidence cannot be gone into at that stage. The probable defence of the accused on facts can only be decided in the trial.

7.That apart, the discharge petition was filed in the year 2019 and the instant revision has been filed belatedly. Hence, this Court is of the view



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that the points raised by the petitioner can be raised before the Trial Court.

Therefore, this Court is not inclined to entertain this revision.

8.However, considering the professional status of the petitioner his presence before the Trial Court is dispensed with unless it is required by the learned Magistrate for the progress of the Trial. Accordingly, Crl.M.P.No.16712 of 2024 is allowed.

9.In the result, the Criminal Revision stands dismissed. Consequently, Crl.M.P.No.16710 of 2024 stands closed.

28.11.2024

Index:Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No

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To

- 1.The Deputy Superintendent of Police,
OCU-II, CBCID,
Egmore, Chennai.
- 2.The XI Metropolitan Magistrate,
Saidapet,
Chennai.



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SUNDER MOHAN, J.

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