



Crl.R.C.No.1997 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1997 of 2024 and
Crl.M.P.No.16226 of 2024

1.Chinnakaruppan
2.Aravanaiselvam

... Petitioners

Vs.

The State rep. by,
The Inspector of Police,
District Crime Branch,
Tiruvallur District.
(Crime No.5 of 2019).

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397/438 r/w Section 401/442 of Cr.P.C/BNSS, to call for the records and set aside the order dated 30-10-2023 made in Crl.M.P.No.538 of 2023 in C.C.No.197 of 2022 on the file of the learned District Munsif cum Judicial Magistrate, Gummidipoondi by allowing this Criminal Revision Petition and discharge the petitioners from all the charges levelled against them.

For Petitioner : Mr.K.Shanmugam

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



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ORDER

This Criminal Revision Case has been filed challenging the impugned order, dated 30.10.2023 in C.M.P.No.538 of 2023 in C.C.No.197 of 2022 passed by the learned District Munsif cum Judicial Magistrate, Gummidipoondi.

2.The petitioners are facing trial before the Trial Court for the offence under Section 420 of IPC on the complaint given by one Shanmugham who is cited as LW1 in the final report.

3.The allegations against the petitioners are that they had promised the victims, who are three in number, to secure a job and received money from the victims; and that thereafter neither returned the money nor obtained any job for them.

4.The learned counsel for the petitioners would submit that except for the statements of the victims, there is absolutely no other evidence to establish the offence under Section 420 of IPC; that the oral statements of the victims alone would not be sufficient to frame charges; and that the Trial



Court had erroneously dismissed the petition for discharge.

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5.The Government Advocate (Crl. Side) *per contra* would submit that the victims have clearly stated during investigation that the petitioners had demanded money with false promise of securing a job and thereafter neither secured a job nor repaid the money to the victims; that the prosecution has to be given an opportunity to establish the offence; and that the trial cannot be scuttled at this stage.

6.From a perusal of the order impugned, it is seen that the prosecution mainly relies upon the statements of the victims. As to whether the statements are sufficient to convict cannot be gone into at the stage of charge framing.

7.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.



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8.The points raised by the petitioners are matters which could be adjudicated before the trial Court and it is open to the petitioners to raise all the above mentioned points and establish their case before the trial Court.

9.In view of the above, this Court is not inclined to entertain this criminal revision case. Accordingly, the impugned order, dated 30.10.2023 in C.M.P.No.538 of 2023 in C.C.No.197 of 2022 passed by the learned District Munsif cum Judicial Magistrate, Gummidipoondi is confirmed and this Criminal Revision Case stands dismissed.

10.At this stage, the learned counsel for the petitioners would submit that the 1st petitioner is aged about 67 years and the 2nd petitioner is aged about 56 years; and that both the petitioners are visually disabled. Considering the said submissions made by the learned counsel for the petitioners, this Court dispenses with the petitioners' presence before the Trial Court except on the hearings when the Trial Court requires their presence for the further progress of the trial.



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11.Considering the age of the petitioners, the learned District Munsif cum Judicial Magistrate, Gummidipoondi may expedite the trial and conclude the same as expeditiously as possible. Consequently, connected criminal miscellaneous petition is closed.

20.11.2024

Index:Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation: Yes/No

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To

- 1.The District Munsif cum Judicial Magistrate,
Gummidipoondi.
- 2.The Inspector of Police,
District Crime Branch,
Tiruvallur District.
- 3.The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

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