



Crl.R.C.No.2147 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2024

CORAM

THE HONOURABLE MR.JUSTICE **SUNDER MOHAN**

Crl.R.C.No.2147 of 2024
and Crl.MP Nos.16982 & 16984 of 2024

P.Kingshuk Debsharma

...

Petitioner

Vs.

The State
Rep.by The Dy. Supdt. of Police
Anti Trafficking Cell,
Crime Branch CID Egmore,
Chennai – 600 008.

...

Respondent

Prayer: Criminal Revision Petition is filed under Section 397 of Cr.P.C./
Section 438 of BNSS to set aside the the order dismissing the petition in
Crl.MP No.14660 of 2024 in Spl.S.C.No.163 of 2023 dated 30.08.2024
on the file of the Principal District and Sessions Judge, at Chennai and
consequently allow the petition and discharge the petitioner/A.1 of all the
charges levelled.

For Petitioner : Ms.K.R.Gayathri

For Respondent : Mr.S.Udayakumar
Govt. Advocate (crl.side)



ORDER

WEB COPY

The revision challenges the dismissal of discharge petition filed by the petitioner who is accused of offences under Sections 376, 354, 354(B), 354(C), 506(i) IPC r/w Section 3(1)(w)(i) of SC/ST Act.

2. The sum and substance of the allegation against the petitioner and other accused is that the petitioner alongwith others had sexually, physically and mentally tortured the victim during the years 2016 to 2020 at Coorg, Karnataka State and IIT Madras Campus, Chennai ; and that they had also prevented her from using instruments in Chemistry Lab at IIT Madras.

3. The learned counsel for the petitioner would submit that the allegations against the petitioner are an after thought; that the complaint was lodged in the year 2021, after four years of the alleged occurrence, for the offences under Sections 354, 354 (B), 354(C) & 506 (i) IPC on 09.06.2021 and thereafter, nearly 10 months later, the offence under Section 376 of IPC was included during the course of investigation; and that none of the statement of witnesses implicate the petitioner; that the



Crl.R.C.No.2147 of 2024

petitioner filed discharge petition before the trial Court and the trial Court found that there is prima facie evidence to frame charge against the petitioner; that the evidence of the victim cannot be believed and the petitioner cannot be asked to undergo the ordeal of trial and therefore the above revision has been filed to set aside the order of dismissal of the discharge petition.

4. The learned Government Advocate (crl.side) per contra, submitted that it is well settled that at the stage of charge framing, grave suspicion is sufficient and the trial court had rightly dismissed the petition for discharge.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) and perused the materials on record.

6. The main submissions made by the learned counsel for the petitioner is that the allegations against the petitioner are false; and that there is inherent improbability in the statement of the victim; that even in the belated complaint given by the victim, the offence under Section 376



CrI.R.C.No.2147 of 2024

of IPC was not included and ten months later, to harass the petitioner and others, the offence under Section 376 of IPC was included and therefore the statement of the victim cannot be believed.

7. This Court, at this stage cannot hold that the version of the victim is unreliable. 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.

8. The points raised by the petitioner are matters which could be adjudicated before the trial Court and it is open to the petitioner to raise all the above mentioned points and establish his case before the trial Court. However, considering the submissions made by the learned counsel for the petitioner, this court is of the view that the trial can be expedited. Hence, the trial court shall expedite the process of trial and conclude it, preferably within a period of six months from the date of receipt of a copy of this order.

9. It is also submitted by the learned counsel for the petitioner that



Crl.R.C.No.2147 of 2024

the petitioner is now studying at Jharkand and hence his presence before the trial court may be dispensed with. Considering the said submission, the appearance of the petitioner before the Trial Court is dispensed with, unless it is required by the learned Judge for the progress of the Trial. The petitioner shall file an affidavit of undertaking before the trial court that he will not dispute his identity and that the counsel named by him in the affidavit will cross examine the prosecution witness. Accordingly, Crl.MP No.16984 of 2024 is allowed.

10. With the above observation, this Criminal Revision is disposed of. Consequently, connected Miscellaneous Petition is closed.

03.12.2024

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
Speaking order/Non-speaking order
rgr



WEB COPY



Crl.R.C.No.2147 of 2024

SUNDER MOHAN, J.

rgr

To

1.The Principal District and Sessions Judge,
at Chennai.

2.The Deputy Supdt. of Police
Anti Trafficking Cell,
Crime Branch CID Egmore,
Chennai – 600 008.

3.The Public Prosecutor,
High Court of Madras,
Chennai.

Crl.R.C.No.2147 of 2024

03.12.2024