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Crl.R.C.Nos.2272 & 2238 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.Nos.2272 & 2238 of 2024

and

Crl.MP.Nos.17508 & 17681 of 2024

S.Sithik

... Petitioner/Accused in
Crl.R.C.No.2272 of 2024

1. M.Nazar
2. S.Ansoor
3. S.Navas
4. K.Abbas
5. A.Mohammed Ussain
6. K.Jailudeen
7. S.Mohammed Harsath
8. S.Jemisha
9. M.Mohammed Azarudeen
10. S.Kannan
11. B.Abdul Rahman
12. R.Suresh Kumar
13. Umar Farooq

... Petitioners/Accused in
Crl.R.C.No.2238 of 2024

Vs.

The State Represented by,
The Inspector of Police,
Ramanathapuram Police Station,
Coimbatore District.
In Crime No.1306 of 2010

... Respondents both Crl.R.C



Crl.R.C.Nos.2272 & 2238 of 2024

Common Prayer: Criminal Revision Petitions filed under Sections 438 read with section 442 of BNSS Act, praying to set aside the order passed in CMP.Nos. 70 of 2024 and 520 of 2023 in S.C.No.33 of 2021 dated 01.07.2024 on the file of the learned Sessions Judge (FAC), Sessions Court for Trial of Bomb Blast Cases, Coimbatore.

For Petitioners : Mr.B.Mohan in both Crl.RC

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)
in both Crl.RC

COMMON ORDER

Both the revision challenges the dismissal of the discharge petitions filed by the petitioners' who are facing trial for alleged offences under Sections 147, 148, 448, 427 and 506 (ii) of IPC and under Section 3 of TNPPDL Act.

2. The petitioner in Criminal Revision case No.2272 of 2024 has been arrayed as A5 and the petitioners in Criminal Revision case No.2238 of 2024 have been arrayed as A4 and A6 to A17.

3. The allegations of the petitioners / accused is that on 12.11.2020 at



about 12.00 a.m., all the petitioners / accused formed an unlawful assembly and committed rioting, armed with deadly weapons and trespassed into the defacto complainant's shop and damaged the properties to the tune of Rs.30,000/-. It is also the case of the prosecution that all the accused threatened the defacto complainant with dire consequences by brandishing deadly weapons.

4. Pending trial in the criminal case, the petitioners sought for discharge from the charges and the learned Sessions Judge dismissed the said petitions on the ground that the probative value of the materials collected cannot be gone at this stage.

5. The learned counsel for the petitioners would submit that none of the witnesses had spoken about the role of the petitioners, that even in the first information report only the names of 3 persons viz., A1 to A3 were mentioned but the petitioners have been falsely implicated and hence the petitioners may not be subjected to the ordeal of criminal trial and therefore, prayed for setting aside the order passed by the learned Magistrate.

6. The learned Government Advocate, on the other hand, submitted



that the trial court considered the fact that these petitioners were involved in ransacking the defacto complainant's shop; that the police officers also who reached the scene of occurrence apprehended the petitioners at the scene of occurrence; and that the petitioners involvement can be adjudicated only during trial and hence, the trial Court rightly dismissed the discharge petition.

7. The primary submission of the learned counsel appearing for the petitioners is that in the complaint the names of only three persons were mentioned and that the witness have not implicated the petitioners. However, on perusal of the impugned order it is seen that it is the case of prosecution that the petitioners were apprehended on the spot immediately after the occurrence.

8. 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.

9. However, the appearance of the revision petitioners during the pendency of trial before the trial court is dispensed with unless the learned



Crl.R.C.Nos.2272 & 2238 of 2024

Magistrate considers their presence necessary for the progress of the trial.

The petitioners shall file an affidavit stating that they will not dispute their identity and would cross examine the witnesses through their lawyer named in the affidavit.

10. It is also seen that the learned Public Prosecutor has cited 23 witnesses for being examined on behalf of the prosecution and that the prosecution would examine the witnesses expeditiously. In view of the same, the learned Magistrate is directed to expedite the trial and complete it as expeditiously as possible.

11. In view of the above, both the Criminal Revision Cases are dismissed. Consequently, connected miscellaneous petitions are closed.

16.12.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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SUNDER MOHAN, J.

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Crl.R.C.Nos.2272 & 2238 of 2024

To
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1. The learned Sessions Judge (FAC),
Sessions Court for Trial of Bomb Blast Cases,
Coimbatore.
2. The State Represented by,
The Inspector of Police,
Ramanathapuram Police Station,
Coimbatore District.
3. The Public Prosecutor,
High Court, Madras.

Crl.R.C.Nos.2272 & 2238 of 2024

16.12.2024