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Crl.R.C.No.75 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.75 of 2024

and

Crl.M.P.No.569 of 2024

1.Saravanan
2.Aravinthan
3.Manikandan
4.R.Suthagar
5.Dilipkumar

... Petitioners

Vs.

The State
Represented through the Inspector of Police,
Vaipoor Police Station,
Vaipoor.
(Crime No.84/2021)

... Respondent

PRAYER: Criminal Revision Case has been filed under Sections 397 and 401 of Cr.P.C, praying to set aside the order in Crl.M.P.No.1751 of 2023 in S.C.No.14 of 2022 dated 03.11.2023 on the file of the learned Principal District and Sessions Judge, Thiruvarur so for as it dismissed the prayer of the petitioners for the examination of Regional Transport Officer, Thiruvarur,



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and SHOs of Karaikal Town, Niravi Police Station and Sirkazhi Police Station and to allow the said prayers also and to allow the Crl.M.P. as prayed.

For Petitioners : Mr.R.Srinivas, Senior Counsel
for Mrs.Mythili Srinivas

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER

This Criminal Revision Petition has been filed seeking to set aside the order in Crl.M.P.No.1751 of 2023 in S.C.No.14 of 2022 dated 03.11.2023 on the file of the learned Principal District and Sessions Judge, Thiruvarur so for as it dismissed the prayer of the petitioners for the examination of Regional Transport Officer, Thiruvarur, and SHOs of Karaikal Town, Niravi Police Station and Sirkazhi Police Station.

2.The petitioners, who are accused Nos.1, 2, 6 to 8 in S.C.No.14 of 2022, had filed a petition under Section 233(3) of Code of Criminal Procedure in Crl.M.P.No.1751 of 2023 for examination of 9 witnesses or



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their authorised person and to summon certain documents on the side of their defence. The petitioners in the above petition prayed for:

(i) the examination of Principal, Thiruvarur Medical College Hospital or the authorised person to produce the original and certified copy of letter dated 23.01.2021 received from Vaipoor Police Station for keeping the body of deceased Maharajan in the Mortuary and letter dated 24.01.2023 requesting for conducting post-mortem on the body of deceased Maharajan;

(ii) the examination of the Inspector General of Police, Tamil Nadu or the authorised person to produce the original and certified copy of relevant Government Orders and order from the said office regarding registration of F.I.R. and whether the serial numbers mentioned in the right side page of F.I.R. would be in ascending or descending order;



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(iii) the examination of Regional Transport Officer,
Thiruvarur and Nagapattinam for production of the ownership
details of vehicles M.O.1 and M.O.2.; and

(iv) the examination of the Station House Officer,
Karaikkal Town Police Station, Niravy Police Station and
Sirkazhi Police Station.

3.The learned Senior Counsel appearing for the petitioners submitted that the petitioners' prayers with regard to the summoning of Medical College witnesses and documents and with regard to the particulars as regards the maintaining and numbering of F.I.R. has been allowed. The petitioners' prayer for summoning of Regional Transport Officer and Station House Officers to examine them and produce relevant documents have been negatived, against which, the present revision petition has been filed.



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4.The specific case of the petitioners is that the two wheelers bearing Registration No.TN-50-H-9369 Bajaj Discover and TN-51-AH-1890 Hero Honda Splendor Plus, which were marked as M.O.1 and M.O.2, had been identified by PW1, the wife of deceased Maharajan. According to the prosecution, these two vehicles were found abandoned and produced as case properties, which has been questioned with PW1 and PW21/Investigating Officer. The further case is that these two vehicles belong to PW1's relatives and the vehicles have been produced and implanted to project a case as though some of the accused, projected as assailant came in the two wheelers, committed the offence. Further, F.I.Rs. in Crime Nos.8/2013, 53/2013, 322/2015 and 1/2017 are very much required to be produced as a defence side documents to show the antecedents of the deceased and his group.

5.The contention of the learned Senior Counsel for petitioners is that it is a case of murder and retaliation murder. In this case, originally there were 20 accused, three of them have now done away. For the murder of these



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three accused, two F.I.Rs. registered by Station House Officer, Niravy, Puducherry Union Territory. One F.I.R. in Sirkazhi Police Station and another F.I.R. with regard to the murder of one Ramu, which is the triggering point of murder and retaliation murder. Hence, marking of these F.I.Rs. and production of vehicle particulars is very much required to disprove the case of the prosecution and also prove false implication of the petitioners.

6.The learned Government Advocate (Crl. Side) opposed the same on the ground that in this case all the witnesses now examined and the case is at the stage of defence witnesses. The petitioners had not put forth these facts now raised to PW1 or to the Investigating Officer/PW21, only to protract the trial, belatedly the petition has been filed. He further submitted that the Lower Court considering all these aspects and also the petitioners' answers to Section 313 of Cr.P.C. questions, found the petitioners' contention untenable. Further he submitted that petitioners had been given liberty to produce the Motor Vehicles Certificates downloaded from Parivahan App, as



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regards the copy of F.I.Rs., the petitioners to file a third party copy applications, obtain the same and can produce the same in the case. Further, the High Court in Crl.O.P.No.21812 of 2023 dated 22.09.2023, directed the Trial Court to complete the trial by 03.11.2023. Hence, the Trial Court considering the contentions of the petitioners/accused as well as the stage of the case, had rightly dismissed the same. Hence, the Trial Court order needs no interference.

7.The learned Senior Counsel refuted the submission of learned Government Advocate, referring to the evidence of witnesses pointed to the questions put forth to them, in support of his contention.

8.Considering the submissions made and on a perusal of the materials available on record, it is seen that Trial Court permitted petitioners to examine two of the witnesses, one from Medical College Hospital and one from the Police Department. With regard to the Regional Transport Officer



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of Thiruvarur and Nagapattinam and Station House Officer of Karaikkal Town Police Station, Niravy Police Station and Sirkazhi Police Station, the petitioners can very well collect the documents through Parivahan App and by filing third party copy applications for certified copies of the F.I.R. before the concerned Court, obtain the documents, produce the same before the Trial Court. The Trial Court shall receive the documents, for this reason, the trial cannot be delayed endlessly.

9.Accordingly, the petitioners are directed to obtain these documents from the Regional Transport Officer, Thiruvarur and Nagapattinam, who shall provide the certified copies of the registration particulars of two wheelers bearing registration Nos.TN-50-H-9369 Bajaj Discover and TN-51-AH-1890 Hero Honda Splendor Plus to the petitioners and the learned Judicial Magistrate, Karaikkal is directed to provide the certified copy of First Information Report pertaining to Crime No.8/2013, Karaikkal Police Station, Crime No.53/2013, Niravy Police Station,



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Puducherry, Crime No.322/2015, Sirkazhi Police Station and Crime No.1/2017, Niravy Police Station, Puducherry to the petitioners, if third party application is made, within a period of two weeks from the date of receipt of third party application. On collection of documents, the same to be produced before the Trial Court. The Trial Court to receive the documents, proceed with the trial and to bring the case to its logical conclusion, as expeditiously as possible.

10. With the above directions, the Criminal Revision Case is disposed of. Consequently, connected miscellaneous petition is closed.

19.01.2024

Index : Yes/No

Internet : Yes/No

Speaking order / Non-speaking order

Neutral Citation : Yes/No

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M.NIRMAL KUMAR, J.

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To

- 1.The Inspector of Police,
Vaipoor Police Station,
Vaipoor.
- 2.The Principal District and Sessions Judge,
Thiruvarur.
- 3.The Judicial Magistrate,
Karaikkal.
- 4.The Public Prosecutor,
High Court, Madras.

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and

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