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Crl.R.C.No.2353 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2353 of 2024
and Crl.M.P.No.18150 of 2024

R.Natarajan

...Petitioner/Petitioner/3rd Accused

Vs.

State of Tamil Nadu,
Rep. by the Deputy Superintendent of Police,
CBCID Coimbatore Circle,
Tiruppur,
Crime No.2/2019

...Respondent/Respondent/Complainant

PRAYER: Criminal Revision Case filed under Section 397 r/w Section 401 of the Cr.P.C., 1973/Section 438 r/w 442 of the B.N.S.S., 2023, to call for the records in Crl.M.P.No.2 of 2024 on the file of the I Additional District cum Sessions Judge, Tiruppur and set aside the Order dated 18.11.2024 passed by the I Additional District cum Sessions Judge in Crl.M.P.No.2 of 2024 in S.C.No.50 of 2024.

For Petitioner	:	Mr.D.Senthur Kugan
For Respondent	:	Mr.S.Udaya Kumar
		Government Advocate (Crl. Side)



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ORDER

The petition challenges the order dated 18.11.2024 passed by the learned I Additional District cum Sessions Judge, Tiruppur, dismissing the petitioner's application for discharge.

2. The case of the prosecution is that the petitioner/3rd accused is a Secretary of an organisation called “*Care Society*” which is registered under the Societies Registration Act; that the petitioner/A3 along with eleven other accused and the approver one Vidya had entered into a conspiracy and in pursuance of the said conspiracy hampered the Judicial Proceedings and filed unlawful petitions containing derogatory and filthy remarks before the Court; that the said petition was prepared and drafted by the first accused and circulated to all the accused persons and in the said petition, a particular portion was left blank, so that the persons who intended to make further derogatory remarks can fill up the gaps; that one such petition was filed before the learned Judicial Magistrate, Dharapuram and the learned Magistrate dismissed the said petition; that since the dismissal of the said petition irked the accused, they posted defamatory



remarks about the Chief Judicial Magistrate and the present Principal Sessions Judge of the District, besides making indecent obscene remarks about the Judicial Officers including the learned Principal Sessions Judge, a lady; that they made very obscene comments about the learned Principal Sessions Judge, which cannot be reproduced in this order and thus committed the offence under Sections 120(B) IPC r/w 66 F(1)(B), 67 IT Act 2000. The allegations in the final report may be read as part and parcel of this order in this regard.

3. Heard the learned counsel for the petitioner/A3 and the learned Government Advocate (Crl. Side) appearing for the respondent-State and perused the materials available on record.

4. Mr.D.Senthur Kugan, the learned counsel for the petitioner/A3, submitted that the alleged offences are not made out against the petitioner; that there are no materials to implicate the petitioner; that the respondent has not complied with the provisions of Sections 199 and 479 of the Criminal Procedure Code; and that no incriminating material was seized



from the petitioner; that nine books recovered from the petitioner were all published with the grants received from the State Government; that since the petitioner is an office bearer of the “*Care Society*,” he is sought to be prosecuted; and that the learned Judge has mechanically dismissed the discharge petition.

5. Mr.S.Udaya Kumar, the learned Government Advocate, *per contra*, submitted that the trial Court had considered all these aspects and had held that there are enough materials, including the statement of the approver and hence, prayed for dismissal of the petition.

6. Admittedly, one of the accused has become an approver. The approver in her Section 164 Cr.P.C., statement has implicated the petitioner. The Court cannot sift and weigh the evidence at this stage to hold that the petitioner is not guilty of the offences. The prosecution had cited as many as 58 witnesses to prove its case. It is well settled that at the stage of charge framing, grave suspicion is sufficient to frame a charge. The materials relied upon by the prosecution would suggest that there is grave suspicion against the petitioner. The probative value, the veracity and the effect of the



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evidence cannot be gone into at that stage. The probable defence of the accused on facts can only be decided in the trial.

7. Further, it is not stated as to how there is a violation of Sections 199 and 479 of the Cr.P.C. The petitioner/A3 is not sought to be prosecuted for the offence under Chapter XXI of the IPC. Further, there is nothing to suggest the violation of Section 479 of the Cr.P.C.

8. In the light of the serious allegations and the materials relied upon by the prosecution, this Court is of the view that the impugned order passed by the learned I Additional District cum Sessions Judge, Tiruppur, dated 18.11.2024, does not call for any interference and accordingly the criminal revision petition stands dismissed. Consequently, the connected miscellaneous petition is closed.

19.12.2024

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



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To

1.The I Additional District cum Sessions Judge,
Tiruppur

2.The Deputy Superintendent of Police,
CBCID Coimbatore Circle,
Tiruppur,

3. The Public Prosecutor
High Court of Madras
Chennai – 600 104.



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SUNDER MOHAN, J.

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