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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 28.02.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

Crl.R.C.(MD)No.45 of 2024
and
Crl.M.P.(MD)No.567 of 2024

Pasupathi Raja .. Petitioner/Accused

Vs.

The Inspector of Police,
Ammaiyanaickkanur Police Station,
Dindigul District. .. Respondent/Complainant

PRAYER : Criminal Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records relating to the order passed on 05.01.2024 in Crl.M.P.No.36 of 2024 in Spl.S.C.No.38 of 2023, on the file of the learned Fast Track Mahila Judge, Dindigul and set aside the same and consequently direct the learned Fast Track Mahila Judge, Dindigul, to grant adjournment in Spl.S.C.No.38 of 2023.

For Petitioner : Mr.M.Vivek Bharathi

For Respondent : Mr.R.Sivakumar
Government Advocate (Criminal side)

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: Mr.R.Anand for complainant

ORDER

Challenging the impugned order dated 05.01.2024 passed in Crl.M.P.No.36 of 2024 in Spl.S.C.No.38 of 2023, by the learned Fast Track Mahila Judge, Dindigul, the present Criminal Revision has been filed by the petitioner for a direction to the learned Fast Track Mahila Judge, Dindigul, to grant adjournment in Spl.S.C.No.38 of 2023.

2. The brief facts of the case is as follows:

(i) The petitioner was an employee in a private company. On 26.08.2020, based on the complaint given by one Saravanakumar/defacto complainant, father of the victim Kokila, the respondent police registered FIR in Crime No.753 of 2020 against the petitioner under Section 363 and 506(i) IPC and Section 5(l), 6 of the Protection of Children from Sexual Offences Act, 2012 and 3(2), (va) of the SC/ST (Prevention of Atrocities) Act, 1989 and Section 9 of the Prohibition of the Child Marriage Act, 1989.

(ii). The contents of the complaint is that the petitioner enticed the victim and made her to elope with him and married her. After their

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marriage, the petitioner had sexual intercourse and scolded her by mentioning her caste name and threatened her with dire consequences. After completion of investigation, the respondent police filed a charge sheet and the same was taken on file in Spl.S.C.No.38 of 2023 by the learned Fast Track Mahila Judge, Dindigul.

(iii). Pending trial, the petitioner filed a petition under Section 91 r/w 31 of Cr.P.C in Crl.M.P.No.1597 of 2023 for examining DW.4 and production of relevant documents and the same was allowed and DW4 was examined on 29.12.2023. Thereafter, the petitioner applied for copy of the deposition of DW4 in C.A.No.86 of 2023, for raising grounds for arguments because the subject case is being conducted by the Special Court, the copy of the deposition will not be available on the online portal, therefore, the petitioner sought for adjournment for perusing the deposition of DW4 but the learned Fast Track Mahila Judge, Dindigul has not considered the request of the petitioner and posted the case for argument on 05.01.2024. Hence, the petitioner filed adjournment petition under Section 309 Cr.P.C., in Crl.M.P.No.36 of 2024, but without providing adequate opportunity, the said petition was dismissed and posted for judgement on 29.01.2024. Aggrieved over the same, the present revision is filed by the petitioner.

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3. Heard, Mr.M.Vivek Bharathi, learned counsel for the revision petitioner, Mr.R.Sivakumar, learned Government Advocate (Criminal side) appearing for the respondent and Mr.R.Anand, learned counsel appearing for the complainant and perused the materials available on record.

4. The learned counsel for the petitioner submitted that the deposition copy of DW.4 is a vital source for substantiating the petitioner's case, hence, he sought for adjournment for perusing the same. Since the trial Court, without considering this aspect, dismissed his petition, therefore, the petitioner has no other option, except to approach this Court, by way of filing the present petition.

5. The learned Government Advocate (Criminal side), submitted that the respondent police after completion of the investigation filed charge sheet against the petitioner before the Mahila Court, Dindigul and the case was numbered as Spl.S.C.No.88 of 2020 and on 31.05.2023, again the case was re-numbered as Spl.S.C.No.38 of 2023. The prosecution produced as many as eleven witnesses and the petitioner's side duly examined all the witnesses without seeking any adjournment. On the side of

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the petitioner, he produced four witnesses. As per the complaint, the petitioner kidnapped the victim girl and had sexual intercourse with her and thereafter, after three days, dropped her in the Kodai Road and threatened her with dire consequences not to disclose the fact. Hence, he opposed for allowing this petition.

6. Having considered the submissions made by the learned counsel on either side, this Court is of the opinion that there is no valid ground to allow this petition. Accordingly, this Criminal Revision Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

28.02.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
PJL

Copy to
The Judge, Fast Track Mahila Court, Dindigul.

To
1.The Inspector of Police,
Ammaiyanaickkanur Police Station, Dindigul District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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VIVEK KUMAR SINGH, J.

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