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Crl.A.No.341 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.A.No.341 of 2025 and

Crl.M.P.No.6728 of 2025

Boobathy

... Appellant

Vs.

1. The State Rep. by

The Assistant Commissioner of Police

Pattabiram, Avadi, Thiruvallur District

2. State Rep. by

The Inspector of Police

T-11, Thirunindravur Police Station, Thiruvallur

3. S.Prem Ananth

... Respondents

Prayer: Criminal Appeal filed under Section 14 A(1) of SC/ST Act to set aside the order in Crl.M.P.No.5927 of 2023 in S.C.No.91 of 2023 dated 05.12.2024 passed by the learned Principal District & Sessions Judge at Thiruvallur.

For Appellant

: Mr.M.Sankar

For Respondents

: Mrs.G.V.Kasthuri

Additional Public Prosecutor



Crl.A.No.341 of 2025

ORDER

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This Criminal Appeal has been filed by the appellant/accused to set aside the order in Crl.M.P.No.5927 of 2023 in S.C.No.91 of 2023 dated 05.12.2024 passed by the learned Principal District & Sessions Judge at Thiruvallur.

2. The learned counsel for the appellant submitted that based on the complaint given by the 3rd respondent, the 2nd respondent police registered a case against the petitioner in Crime No.348 of 2022 for the offence under Sections 153A, 294(b), 504, 506(i) IPC, 3(1)(r), 3(1)(s), 3(1)(u) of SC/ST (POA) Act, Sections 67 and 67A of IT Act @ to Sections 153A, 294(b), 504, 506(1) IPC, Sections 3(1)(r), 3(1)(s), 3(1)(u), 3(2)(va) of SC/ST Act, Sections 67 and 67A of IT Act alleging that in a video uploaded in the social media, the appellant has used abusive and derogatory remarks against the Chief Minister of Tamil Nadu and Paraiyar Community and subsequently, the appellant was arrested and remanded to judicial custody. After completion of investigation,



Crl.A.No.341 of 2025

the 2nd respondent police filed the charge sheet and the same was taken on file

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in S.C.No.91 of 2023 on the file of the Principal District & Sessions Judge, Thiruvallur. Pending case, the petitioner filed a discharge petition in Crl.M.P.No.5927 of 2023 invoking Section 227 of Cr.P.C. before the trial Court, but the same was dismissed by order dated 05.12.2024. Challenging the same, the present appeal is filed.

3. The contention of the appellant is that the allegations made against the appellant are vague and improbable and that no ingredients have been made out to attract the charged offences. However, the trial Court failed to consider the materials and mechanically dismissed the petition.

4. The learned Additional Public Prosecutor appearing for the respondents police submitted that there are prima facie allegations against the appellant to frame charges and the grounds taken by the appellant were matter for trial and therefore, the trial Court rightly dismissed the petition.

5. Heard the learned counsel for the appellant and the learned Additional



Crl.A.No.341 of 2025

Public Prosecutor appearing for the respondents 1 and 2 and also perused the

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materials available on record.

6. Since no adverse order is being passed against the 3rd respondent, notice to the 3rd respondent is dispensed with.

7. A perusal of the charge sheet filed by the respondent police and the statement recorded from the witnesses during investigation shows that there are prima facie allegations against the appellant.

8. It is settled proposition of law that while deciding the petition for discharge either under Section 227 or 339 or 342 Cr.P.C., the Court has to look into the materials produced by the prosecution and not the defense taken by the accused. At the time of framing of charges, the Court cannot conduct a roving enquiry and testify the veracity of the materials which can be done only after trial.

9. A reading of the materials produced by the respondent police shows prima facie allegations against the appellant and there are sufficient materials



Crl.A.No.341 of 2025

to proceed the case further against the appellant.

WEB COPY

10. Under these circumstances, this Court does not find any perversity or illegality or infirmity in the order passed by the learned Magistrate and there is no merits in this appeal.

11. Accordingly, this Criminal Appeal is dismissed. Consequently, the connected Miscellaneous Petition is closed.

12. However, the appellant is at liberty to take all his defence during trial.

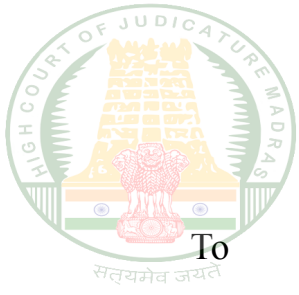
03.04.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

ksa-2



Crl.A.No.341 of 2025

To

WEB COPY

1. The Principal District & Sessions Judge
Thiruvallur.
2. The Assistant Commissioner of Police
Pattabiram, Avadi
Thiruvallur District
3. The Inspector of Police
T-11, Thirunindravur Police Station
Thiruvallur
4. The Pubic Prosecutor
High Court of Madras



WEB COPY



Crl.A.No.341 of 2025

P.VELMURUGAN. J.

Ksa-2

Crl.A.No.341 of 2025

03.04.2025