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Crl.R.C.No.189 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.189 of 2025

and

Crl.M.P.No.1421 of 2025

Thaiyappan @ Chinna Kunji

... Petitioner/Accused

vs.

State Rep. by

The Inspector of Police,

Royakottai Police Station,

Krishnagiri District.

(Crime No.567 of 2014)

...Respondent

PRAYER: Criminal Revision Petition filed under Sections 438 r/w 442 of BNSS, to call for the records pertaining to the order in Crl.M.P.No.294 of 2022 in S.C.No.64 of 2022 dated 03.01.2025 passed by the learned Additional District and Sessions Judge, Hosur, set aside the same.

For Petitioner : Mr.K.Selvakumaraswamy

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



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ORDER

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The revision challenges the dismissal of the petitioner's application for discharge, in which, he was charged for offences under Sections 294(b), 324, 307 and 302 of I.P.C.

2.It is the case of the prosecution that on account of prior enmity between the petitioner and the deceased, who are closely related to each other, the petitioner attacked the deceased and his wife on 15.11.2014 at about 6.30 p.m. with Aruval and also called the witnesses and the deceased in obscene language. The petitioner sought for discharge before the trial Court, which was dismissed on the ground that at the stage of charge framing the Court cannot go into the question as to whether the witnesses can be believed and grave suspicion is sufficient to frame charge.

3.Mr.K.Selvakumaraswamy, learned Senior Counsel for the petitioner submitted that the witness Ranjani had made two contradictory



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statements, one on 16.11.2014 and another on 19.11.2014, which would falsify the prosecution case; that these two statements are sufficient to hold that there is no *prima-facie* case against the petitioner; that the deceased was taken to four different hospitals and the prosecution had not produced any medical records to establish that the injuries were caused due to the alleged occurrence.

4.Heard the learned Government Advocate (Crl. Side).

5.The submissions of the learned counsel for the petitioner is in effect to urge this Court to disbelieve the statement of the witnesses and the prosecution case because of the aforesaid infirmities. This Court is of the view that the probative value, the veracity and the effect of the evidence cannot be gone into at this stage. The Courts can frame charges, if there is grave suspicion against the petitioner. It cannot be said that there is no grave suspicion against the petitioner. In such circumstances, giving liberty to the



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petitioner to raise all these points before the trial Court, this Court is not inclined to entertain this petition.

6.Accordingly, the Criminal Revision Case is dismissed.

Consequently, the connected Criminal Miscellaneous Petition is closed.

30.01.2025

Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

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To

1.The Additional District and Sessions Judge,
Hosur.

2.The Inspector of Police,
Royakottai Police Station,
Krishnagiri District.

3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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