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Crl.R.C No.320 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.08.2025

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C No.320 of 2024
and Crl.M.P No.2977 of 2024

Vijayakanth

... Petitioner

..Vs.

1.Baluchamy

2.State Rep.by
The Sub Inspector of Police,
Dharapuram Police Station,
Tiruppur District
Cr.No.77 of 2023

... Respondents

Prayer: This Criminal Revision Petition is filed under Section 397 and 402 Cr.P.C, to set aside the order dated 02.01.2024 passed in S.C No.260 of 2023 on the file of the learned Assistant Sessions Judge, Dharapuram so far as discharging the 1st respondent/2nd accused is concerned by allowing this criminal revision petition.

For Petitioner : Mr.N.Ponraj

For R1 : Mr.T.Shanmugarajeswaran

For R2 : Mr.A. Gopinath
Government Advocate (Crl.Side)

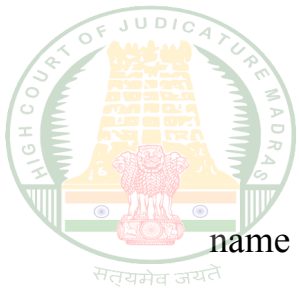


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ORDER

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2. The petitioner is one of the injured. Initially, the FIR got registered in Crime No.77 of 2023 for the offences punishable under Sections 294(b), 324 and 506(ii) IPC as against the 1st accused and another alleging that on 08.02.2023, the petitioner and his mother were proceeded by their two wheeler and while crossing the 2nd accused house, the first accused scolded the petitioner in filthy language and attacked with iron rod, and when it was questioned by the mother of the petitioner, the first accused attacked her with iron rod, due to which the petitioner and his mother had sustained injuries. After hearing the noise, immediately, the 2nd accused came to the spot and instigated the first accused to attack the petitioner. After registration of FIR, the 2nd respondent completed the investigation and filed a final report. While pending framing of charges, the 2nd accused/1st respondent herein, filed a petition for discharge and the same was allowed, stating that based on the subsequent statements recorded from the victim and other witnesses, the



name of the 2nd accused has been subsequently included in the case.

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3. The learned counsel for the petitioner would submit that even in the FIR, it was registered as against the first accused and another. Further, immediately after the injury, both the injured were taken to the Government Hospital, Dharapuram. Though they stated that they were assaulted by a known person, immediately, the petitioner was taken to Kovai Medical Centre at Coimbatore for further treatment, where his statement was recorded by the doctor and he was issued a wound certificate. Further, in the said accident register/ wound certificate, it was categorically stated that the petitioner was attacked by two persons and also based on the statement recorded by the doctor, the charges were framed as against both the accused. Therefore, the trial Court ought not to have discharged the 1st respondent/2nd accused.

4. The learned counsel for the 1st respondent submitted that as per the first accident register recorded by the Government Hospital, Dharapuram, the first victim was attacked by one unknown person. It was subsequently developed in order to implead the 1st respondent as an accused, subsequent statement was made. Therefore, the trial Court has



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rightly considered the petition to discharge and discharged the 1st respondent and it does not warrant any interference by this Court.

5. Heard the learned counsel on either and perused the materials available on record.

6. On perusal of the documents revealed that though the petitioner had stated before the Government Hospital, Dharapuram as if he was attacked by one person, in the next accident register, recorded by the Kovai Medical Centre and Hospital, Coimbatore, he was attacked by two persons. On perusal of the complaint clearly revealed that when the petitioner and his mother were crossing the house of the 1st respondent, the first accused abused the petitioner in filthy language and attacked him with iron rod. When it was questioned by his mother, she was also attacked by the first accused. After hearing the noise, the 2nd accused came to the scene of crime and instigated the first accused to commit the crime. Therefore, the first accused again attacked the petitioner herein with iron rod. Therefore, the second accused was rightly charged for the offence punishable under section 307 r/w 114 of IPC (2 counts). Hence the trial Court ought not to have discharged the 1st respondent/2nd



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accused and the order passed by the trial Court cannot be sustainable.

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7. In view of the above, the order dated 02.01.2024 passed in S.C No.260 of 2023 by the learned Assistant Sessions Judge, Dharapuram, thereby discharging the 1st respondent/2nd accused is hereby set aside.

8. Accordingly, this Criminal Revision Case is allowed.
Consequently, connected miscellaneous petition is closed.

25.08.2025

Index: Yes/No

Internet: Yes/No

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To

1. The Assistant Sessions Judge, Dharapuram

2. The Sub Inspector of Police,
Dharapuram Police Station,
Tiruppur District

3. The Public Prosecutor,
High Court of Madras, Chennai.



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G.K.ILANTHIRAIYAN,J

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