



Crl.R.C.No.419 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.03.2025

Coram:

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

Crl.R.C.No.419 of 2023 &
CrIM.P.No.3175 of 2023

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Dr.N.Rajkumar

.. Petitioner

Vs.

State Rep. by
Inspector of Police,
Tiruchengode Town Police Station,
Namakkal District,
Namakkal.
(Crime No.466 of 2022)

.. Respondent

Criminal Revision Case filed under Section 397 read with Section 401 of Cr.P.C., 1973, against the fair and final order in CrI.M.P.No.338 of 2020 in S.C.No.108 of 2019, on the file of the Principal District and Sessions Court, Namakkal.

For Petitioner : No appearance

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

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The petitioner has filed the present revision challenging the order passed by the learned Principal District and Sessions Judge, Namakkal, in Crl.M.P.No.338 of 2020 in S.C.No.108 of 2019, whereby the petition filed by the petitioner seeking discharge from the criminal case was dismissed.

2. Though the petitioner was granted sufficient opportunity, he has not come forward to argue the matter. The criminal case pertains to the year 2002, and the discharge petition was dismissed by the trial court in the year 2020. The petitioner has filed the present revision against the said order, which remains pending. Due to the pendency of this revision, the criminal case is also pending without any progress. Therefore, this Court is inclined to examine the records from the available materials and decide the revision petition on its merits.

3. It is seen from the records that the petitioner has been arrayed as the first accused in S.C.No.108 of 2019 on the file of the Principal District and Sessions Judge, Namakkal. Originally, the respondent police registered a case against the petitioner and others for offences under Sections 450, 395 r/w 397, 342, 384, and 506 (ii) of IPC. Upon registration of the FIR, an investigation was conducted, and a charge sheet was filed before the learned jurisdictional Magistrate, who committed the case to the Court of Sessions, who took the case on file as S.C.No.108 of 2019.



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4. During the pendency of the criminal case, the petitioner, who is arrayed as "A1," filed a petition before the learned Principal District and Sessions Judge, Namakkal in Crl.M.P.No.338 of 2020 under Section 227 of the Code of Criminal Procedure seeking discharge from the case. After providing the petitioner with sufficient opportunity, the learned Sessions Judge dismissed the petition, holding that prima facie materials were available to proceed against the petitioner.

5. Challenging the order passed by the learned Principal District and Sessions Judge, the petitioner has filed the present revision before this Court.

6. The learned Additional Public Prosecutor submitted that the statements recorded under Section 161(3) of Cr.P.C. from the witnesses clearly establish that there are prima facie materials against the petitioner to proceed with the case. The witnesses have also spoken about the specific overt act committed by the petitioner. The grounds raised by the petitioner are nothing but matters of defence, which can be adjudicated only during the trial. He further submitted that at the time of filing a discharge petition, the Court need not examine the defence taken by the accused; it only needs to consider the materials produced by the prosecution. Therefore, the trial court rightly scrutinized the entire materials and dismissed the discharge petition.



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7. Admittedly, a case was registered against the petitioner along with other accused for offences under Sections 450, 395 read with 397, 342, 384, and 506(ii) of the IPC. The allegation against the petitioner is that on 02.06.2002 at 11:00 p.m., the petitioner, along with the other accused, trespassed into the house of the defacto complainant and committed dacoity by taking away household articles belonging to the defacto complainant. The petitioner also wrongfully confined the defacto complainant and the other inmates of the house, forcibly keeping them inside the house and extorting their signatures on blank bond papers. The other accused, namely A3 and A8, were specifically charged under Section 394 of IPC for causing hurt to the witnesses. Further, the petitioner is also alleged to have committed criminal intimidation. After registering the case, the Investigating Officer recorded the statements of the witnesses during the investigation under Section 161(3) of Cr.P.C. The statement of the defacto complainant clearly discloses a specific overt act committed by the petitioner and prima facie allegations and materials. Other witnesses have also spoken about the involvement of the petitioner. Based on the investigation, the respondent filed a charge sheet, and the learned Magistrate committed the case to the Principal District and Sessions Judge, who took the case on file as S.C.No.108 of 2019. During the pendency of the case, the petitioner filed a discharge petition, which was dismissed. Aggrieved by the said dismissal, the petitioner has filed the present revision.



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8. The grounds raised by the petitioner are nothing but a defence. It is settled law that while deciding a petition under Section 227 of Cr.P.C., the Court has to examine only the case of the prosecution and the materials produced along with the charge sheet, and not the defence raised by the accused or the documents produced by him. The trial court, after considering the entire materials, found that prima facie materials are available to proceed against the petitioner. Further, this Court cannot conduct a roving inquiry into the veracity or validity of the materials. There is no legal infirmity or illegality in the procedure adopted by the prosecution or the trial court while taking cognizance of the complaint or case, as the case may be. Since there is a specific allegation against the petitioner, the prosecution has produced materials to substantiate the case. Upon examining the materials produced by the prosecution, this Court finds that there are sufficient incriminating materials against the petitioner. Therefore, there is no perversity, illegality, or infirmity in the order passed by the learned Sessions Judge. The grounds raised by the petitioner are purely matters of defence, which can be adjudicated only during the trial. This Court finds no reason to interfere with the order passed by the learned Principal District and Sessions Judge.



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9. Accordingly, this Criminal Revision is dismissed. However, the petitioner is at liberty to raise all his defences before the trial court. Consequently, connected miscellaneous petition is closed.

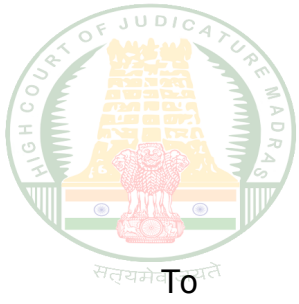
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Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No



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- To
1. The Principal District and Sessions Court,
Namakkal.
 2. The Inspector of Police,
Tiruchengode Town Police Station,
Namakkal District,
Namakkal.
 3. The Public Prosecutor,
Madras High Court, Chennai.



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P.VELMURUGAN, J

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