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Crl.R.C.No.25 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.25 of 2025

and

Crl.M.P.No.171 of 2025

Vadivelan

... Petitioner/De-facto complainant

Vs.

1.State Rep. by

The Station House Officer,
DCB Police,
Villupuram, Tamil Nadu.

2.Selvi

3.Mohanasundaram

...Respondents

PRAYER: Criminal Revision Petition filed under Sections 438 r/w 442 of BNSS, to set aside the order passed in C.M.P.No.1865 of 2024 in C.C.No.43 of 2011 dated 10.04.2024 under Section 319 of Cr.P.C. to implead Accused 3 to 8 as additional accused as per first information along with other connected cases

For Petitioner : Mr.P.Manivannan

For Respondent-1 : Mr.S.Udaya Kumar

Government Advocate (Crl. Side)



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ORDER

The revision challenges the dismissal of the application filed by the State to summon the persons, who were arrayed as A3 to A8 in the F.I.R. as accused in the case.

2. According to the petitioner/de-facto complainant, the involvement and the role played by the persons arrayed as A3 to A8 was mentioned in the F.I.R. and the police have erroneously deleted their names in the final report. The learned Judicial Magistrate No.II, Tindivanam, on considering the material on record found that LW1 and LW2 have implicated only two accused and therefore held that the application under Section 319 of Cr.P.C. cannot be entertained.

3. This Court, on perusal of the records finds that the first respondent, had deleted the names of the persons arrayed as A3 to A8 in the final report, since LW1 and LW2 have specifically implicated only two



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accused. Therefore, this Court finds that there is no infirmity in the order of the learned Magistrate. However, during the course of trial, if it is appears from the evidence that any other persons have committed the offence, it is open to the learned Magistrate to proceed under Section 319 of Cr.P.C. for summoning such persons.

4. With the above observation, the Criminal Revision Case is dismissed. Consequently, the connected Criminal Miscellaneous Petition is closed.

09.01.2025

Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

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SUNDER MOHAN, J.

rsi

To

- 1.The Station House Officer,
DCB Police,
Villupuram, Tamil Nadu.
- 2.The Judicial Magistrate No.II,
Tindivanam.
- 3.The Public Prosecutor,
High Court, Madras.

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