



Crl.R.C.No.99 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : .06.02.2025

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THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.99 of 2025

and

Crl.M.P.Nos.893 & 895 of 2025

Seeman

... Petitioner

Vs

State represented by,
The Inspector of Police,
Kanjapur Police Station,
Villupuram District.

... Respondent

PRAYER:Criminal Revision Case filed under Sections 438 & 442 of BNSS, to set aside the order passed by the learned District Munsif cum Judicial Magistrate, Vikravandi in C.M.P.No.1842 of 2024 dated 13.12.2024 and discharge the petitioner from all charges in S.T.C.No.1 of 2022 pending before the learned District Munsif cum Judicial Magistrate, Vikravandi.

For Petitioner : Mr.V.Ramamurthy

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor and
Mr.S.Sugendran,
Additional Public Prosecutor



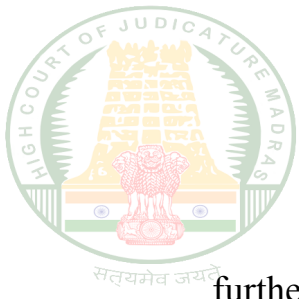
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ORDER

This Criminal Revision Case has been filed to set aside the order dated 13.12.2024 passed in C.M.P.No.1842 of 2024 by the learned District Munsif cum Judicial Magistrate, Vikravandi and discharge the petitioner from all the charges in S.T.C.No.1 of 2022 pending before the learned District Munsif cum Judicial Magistrate, Vikravandi.

2. Learned counsel for the petitioner submitted that there is no prima facie material available to prosecute the case against the petitioner. The ingredient for the offence under Section 153 IPC has not been made out in this case. Further, the statements of all the witnesses are contrary to each other. The petitioner has filed a petition under Section 274 of BNSS, in Crl.M.P.No.1842 of 2024 before the learned District Munsif cum Judicial Magistrate, Vikravandi, seeking to discharge him from all the charges in S.T.C.No.1 of 2022. The same was dismissed by the learned Magistrate vide impugned order dated 13.12.2024. Aggrieved over the same, the petitioner has filed this criminal revision petition. He



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further submitted that without giving any valid reason, the learned Magistrate dismissed the petition. Hence, he prays to allow the criminal revision case.

3. The learned Additional Public Prosecutor appearing for the respondent-Police submitted that prima facie materials are available to proceed the case as against the petitioner. The ingredients for the offence under Sections 153 and 504 IPC were also made out in this case. The trial court rightly dismissed the petition filed by the petitioner. There is no merit in this Criminal Revision Case and the same is liable to be dismissed.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent-Police and perused the materials available on record.

5. It is a settled proposition of law, while deciding the petition for discharge, the Court has to see the materials produced by the



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prosecution and not the defence taken by the accused. While dismissing the discharge petition, the Court need not give any elaborate reason for framing of charge. If *prima facie* materials are available to proceed the case, the court can frame charges as against the accused. If the court finds no *prima facie* materials, the court can discharge the accused with detailed reasonings.

6. On a perusal of the complaint, F.I.R, final report, statements recorded from the witnesses by the Investigating agency and also other materials, it is seen that there are *prima facie* materials available to proceed the case further as against the petitioner. The grounds taken by the petitioner are nature of defence, which can be decided only during trial not at this stage. There is no reason to interfere with the impugned order of the learned Magistrate.

7. It is pointed out by the learned counsel for the petitioner that the learned Magistrate, while dismissing the Crl.M.P.No.1842 of 2024 has made some unwarranted observations which are as follows:



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“ This Court finds that the words uttered by the petitioner in a public place about the assassination of former Prime Minister Rajiv Gandhi is found to be provocative and the same was made with an intention to insult the former Prime Minister and by uttering such speech there is also a intent to cause riot.”

The above said portion of the impugned order amount to decide the main case itself which would prejudice the petitioner. The same has to be proved by the prosecution during trial. The abovesaid portion alone is set aside.

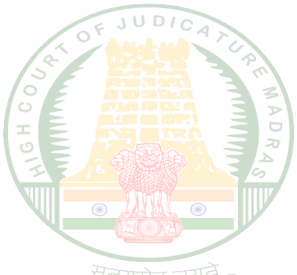
8. In view of the above observation, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petitions are closed. However, the petitioner is at liberty to take all his defence before the trial court during trial.

06.02.2025

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Index: Yes/No

Speaking Order: Yes/No



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Neutral Citation: Yes/No

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To

1. The District Munsif cum Judicial Magistrate, Vikravandi.
2. The Inspector of Police,
Kanjapur Police Station,
Villupuram District.
3. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN, J.

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