



Crl.R.C.No.2360 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2360 of 2025

Siva @ Sathiyaseelan

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District.

...Respondent

PRAYER: Criminal Revision Petition filed under Section 442 of BNSS to call for the records relating to set aside the impugned order in Crl.M.P.No.137 of 2025 in S.C.No.171 of 2024 dated 25.04.2025 on the file of the District and Sessions Court, Mayiladuthurai.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Dr.C.E.Pratap
Government Advocate (Crl. Side)

JUDGMENT

The Revision Petition has been filed changing the dismissal of the discharge petition passed by the learned District and Sessions Judge,

Mayiladuthurai.

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2. The petitioner is facing prosecution for the offence under Sections 147, 148, 302, 506(2) of IPC in S.C.No.171 of 2024 on the file of the District and Sessions Court, Mayiladuthurai.

3. The gist of the allegation is that the petitioner along with other accused had entered into wordy altercation with the victim girl and therefore attacked her with aruval as a result of which she died on the way to the hospital.

4. The petitioner filed a discharge petition before the trial Court and the same was dismissed by the impugned order.

5. The learned counsel for the petitioner submitted that the petitioner is aged about 55 years; that he was suffering from diabetes, he was taking treatment in the private hospital between 16.06.2024 and 19.06.2024; that the medical records would confirm the same; that the allegation that he was involved in the alleged occurrence on 17.06.2024 is false; and that hence the petitioner ought to have been discharged from the case.



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6. The learned Government Advocate (Crl. Side) would submit that the prosecution had examined 24 witness, out of which, 7 of them are eye witnesses and all of them stated about the involvement of the petitioner; that the question as to whether the petitioner was present at the scene of occurrence or was taking treatment at the hospital cannot be adjudicated at the stage of a discharge petition.

7. The petitioner has claimed alibi on the basis of certain hospital records. The correctness or otherwise of the records cannot be gone into at the stage of charge framing. The learned Judge has observed that several eye witnesses have spoken about the involvement of the petitioner in the crime. Therefore, this Court finds no infirmity or illegality in the said order as the plea of alibi cannot be adjudicated at this stage.

6. Accordingly, this Criminal Revision Petition is dismissed.

sma

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Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No



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SUNDER MOHAN, J.

sma

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- To
- 1.The District and Sessions Judge, Mayiladuthurai.
 - 2.The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District.
 - 3.The Public Prosecutor,
High Court, Madras.

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