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Crl.R.C.No.2794 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.R.C.No.2794 of 2025
& Crl.M.P.No.24363 of 2025

1.Purushothaman
2.Sathish

...Petitioners

-Vs-

The State Rep. By
Sub Inspector of Police,
North Police Station,
Vellore District.

...Respondent

PRAYER: Criminal Revision Petition is filed under Sections 438 and 442 of BNSS Act, 2023, to call for the records of the impugned order passed by the learned Judicial Magistrate No.IV, Vellore in Crl.M.P.No.7184 of 2025 dated 18.09.2025 and set aside the same.

For Petitioners : Mr.K.Balu

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

ORDER

The petition challenges the dismissal of the discharge petition filed by the petitioners who are arrayed as A1 and A2 in C.C.No.46 of 2024 filed for the offences under Sections 294 (b), 353, 506(i) IPC and Section 171(E) IPC.



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2.The gist of the allegation in the final report is that A1 to A3 were intercepted by the defacto complainant, who was a member of the static surveillance team appointed to regulate or prevent distribution of cash during elections; that A1 had got down the car and abused the defacto complainant in filthy language; that he stated that he belongs to a particular political party and questioned the defacto complainant for stopping the car; that A1 prevented the defacto complainant from performing his duties; that cash of Rs.2,00,000/- was found in possession of A1 and another sum of Rs.2,00,000/- was found in possession of A2; that on enquiry both had stated that the cash was given to them by a candidate in the election, who was arrayed as A4 for distributing the same to the voters.

(ii) The petitioners filed a discharge petition before the trial Court and the same came to be dismissed by the trial Court on the ground that the question of whether cash seized from the petitioners were meant for the voters or for their personal use has to be adjudicated only at the time of trial and dismissed the petition.



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3.The learned counsel for the petitioner would submit that the impugned order passed by the learned Magistrate cannot be sustained; that there is no evidence to prove that the petitioners had committed any of the offences; that even if the allegations are accepted to be true, the offence committed by the petitioners could be only under Sections 186 and 188 of IPC, for which, the public servant ought to have preferred a private complaint; that the offence under Section 506(i) of IPC is not made out; that the offence under Section 171 (E) of the IPC is also not made out, as the respondents have not collected any evidence to show that the money seized from the petitioners were meant for distribution to the voters and that A4, who is the candidate in the election was discharged by the learned Magistrate by the order in Crl.M.P.No.13197 of 2025 and prayed for setting aside the impugned order.

4.The learned Government Advocate(Crl. Side) fairly submitted that there is no evidence collected by the respondents to prove that the cash collected was meant for distribution to the voters; that the co-accused has been discharged by the trial court and that in any case, the points raised by the petitioners has to be adjudicated only during trial and not at the stage of charge framing, and justified the impugned order.



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5(i) As stated above, it is the case of the prosecution that the petitioners were not found in possession of Rs.4,00,000/- cash. It is the case of the prosecution that the petitioners had confessed that the said cash was given by A4, who was a candidate in the election, for distribution. Except for the confession of the petitioners, the prosecution has not collected any evidence to show that the cash was meant for distribution to voters. Hence, the offence under Section 171 (E) could not be made out. As regards the other allegation that the petitioners prevented the public servants from discharging their duty, the allegation would only attract the offences under Sections 186 and 188 of IPC, for which, the public servant ought to have filed a private complaint.

(ii) In the impugned final report and the materials filed in support of the final report, there is no evidence to suggest that the petitioner used criminal force or assaulted the public servant to attract Section 353 IPC. To attract Section 294 (b) of IPC, it is well settled that the petitioners must have performed obscene acts or recited obscene words in the public place. There is no such averment in the final report. Therefore, the offence under Section



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294 (b) is also not made out. As regards Section 506 (i) of IPC, it is seen from the impugned final report that there is nothing there to suggest that the petitioner had made any real threat and hence, the said office also is not made out.

6. Therefore, this Court is of the view that the petitioners are liable to be discharged and the impugned order is accordingly set aside.

7. Accordingly, the Revision is allowed. Consequently, the connected criminal miscellaneous petition is closed.

18.12.2025

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To

1. The Judicial Magistrate No.IV,
Vellore.

2. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

Tsg

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