



Crl.R.C.(MD)No.85 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 21.04.2025

Pronounced on : 30.04.2025

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.85 of 2025

and

Crl.M.P.(MD)No.906 of 2025

M.Sharfuddin

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.
(Crime No.213 of 2017)

... Respondent

Prayer : This Criminal Revision Case filed under Sections 438 r/w 442 B.N.S.S., to call for the records pertaining to the impugned order in Cr.M.P.No.25 of 2025 in C.C.No.103 of 2018 dated 07.01.2025 pending on the file of the learned Judicial Magistrate Court, Tenkasi and set aside the same.

For Petitioner : Mr.G.Karuppasamy Pandiyan

For Respondent : Mrs.M.Aasha
Government Advocate (Crl. Side)



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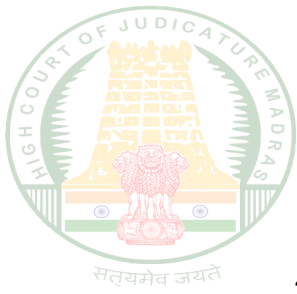
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ORDER

The Criminal Revision is directed against the order passed in Cr.M.P.No.25 of 2025 in C.C.No.103 of 2018 dated 07.01.2025 on the file of the Court of the Judicial Magistrate, Tenkasi, dismissing the petition filed under Section 242 of the Code of Criminal Procedure.

2. The petitioner is the sole accused in C.C.No.103 of 2018 for the alleged offences under Sections 420 and 506(1) IPC and Section 4 of TN Prohibition of Harassment of Woman Act, 2002 on the file of the Judicial Magistrate, Tenkasi.

3. It is not in dispute that the petitioner has filed a petition seeking discharge in Crl.M.P.No.133 of 2024 and the learned Magistrate, after enquiry, dismissed the said petition vide order dated 08.11.2024 and that the petitioner, challenging the said dismissal order, preferred a revision in Crl.R.C.No.58 of 2024 and the same is pending on the file of the Principal Sessions Court, Tenkasi.



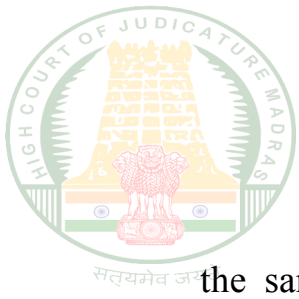
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4. The case of the petitioner is that the learned Principal Sessions Judge admitted the criminal revision and called for records from the trial Court, that in the meanwhile, the learned trial Judge has proceeded with the trial of the case, that two witnesses came to be examined as P.W.1 and P.W.2, that though the petitioner has sought for an adjournment as the criminal revision is pending, the learned trial Judge, without considering the same, has proceeded with the examination of witnesses, that the petitioner with no other option has filed the above petition to defer the cross-examination under Section 242 Cr.P.C. but the learned trial Judge has passed the impugned order dated 07.01.2025 dismissing the said petition and that therefore the petitioner was constrained to file the present revision.

5. It is not in dispute that the criminal revision in Crl.R.C.No.58 of 2024 is pending on the file of the Principal Sessions Court, Tenkasi.

6. As rightly pointed out by the learned Government Advocate (Criminal Side), the petitioner has earlier filed a petition in Crl.O.P. (MD)No.14031 of 2020 under Section 482 Cr.P.C. to quash the case and



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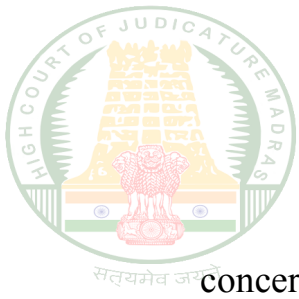
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the same came to be dismissed by this Court on 02.01.2024 and that thereafter the petitioner filed the petition seeking discharge before the trial Court and after dismissal of the same, filed the revision now pending before the Principal Sessions Court, Tenkasi.

7. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner, by filing petitions and revisions, has been protracting the proceedings.

8. The learned Magistrate, in the impugned order, by specifically observing that though the case was registered in the year 2017 and the charge sheet was taken on file in 2018, when the examination of the witnesses came to be commenced, without production of any stay order, the petitioner has sought for deferring of cross-examination, rejected the prayer and dismissed the petition.

9. No doubt, as rightly pointed out by the learned counsel appearing for the petitioner, just because quash petition was dismissed by this Court, there is no bar or prohibition for filing any discharge petition before the



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concerned Court as the scope of both the petitions are different. But at the same time, as rightly contended by the learned Government Advocate (Criminal Side), the case is pending for the past more than six years since the case was taken cognizance.

10. Considering the above facts and circumstances as well as the submissions made by the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent, this Court is of the view that the learned Principal Sessions Judge is to be directed to dispose of the revision within a stipulated time frame. If the discharge petition is allowed, the matter will conclude. However, if it is dismissed, the petitioner shall complete the cross-examination of the already examined witnesses within the time fixed by this Court.

11. In view of the above, the impugned order dated 07.01.2025 passed in Cr.M.P.No.25 of 2025 in C.C.No.103 of 2018 by the learned Judicial Magistrate, Tenkasi is hereby set aside. The learned Principal Sessions Judge, Tenkasi is directed to proceed with the hearing of the



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revision in Crl.R.C.No.58 of 2024 and dispose of the same on or before **30.06.2025**. In the event of dismissal of the said revision, the learned Judicial Magistrate, Tenkasi is directed to recall the witnesses P.W.1 and P.W.2 within a period of 15 days from the date of dismissal of the said revision and upon recalling the said witnesses, the petitioner shall complete the cross-examination of P.W.1 and P.W.2 on the same day. Failure to do so will result in the petitioner forfeiting his right to cross-examine them.

12. With the above directions, this Criminal Revision Case stands allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

30.04.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The Principal Sessions Judge,
Tenkasi.
2. The Judicial Magistrate,
Tenkasi.



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3.The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Pre-Delivery Order made in
Crl.R.C.(MD)No.85 of 2025
and
Crl.M.P.(MD)No.906 of 2025

Dated : 30.04.2025