

Crl.R.C.(MD).No.344 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 03.04.2025

PRONOUNCED ON : 20.06.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.344 of 2024
and
Crl.M.P.(MD)No.3951 of 2024

Karuppan Chettiar

... Petitioner/Respondent/3rd Accused

Vs.

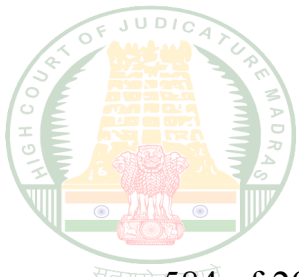
1.The State represented by
The Inspector of Police,
All Women Police Station,
Karaikudi,
Sivagangai District.

... Respondent/Petitioner/Complainant

2.Jeyalakshmi
(R.2 suo motu impleaded as per
order of this Court, dated 05.04.2024)

: Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 and 401 of the Code of Criminal Procedure to set aside the order passed in Crl.M.P.No.



Crl.R.C.(MD).No.344 of 2024

584 of 2024, in C.C.NO.183 of 2020, on the file of the Judicial Magistrate, Fast Track Court, Karaikudi, dated 15.03.2024.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mrs.M.Aasha
Government Advocate (Crl.Side)
for R.1

: Mr.M.Jegadeesh Pandian
for R.2

ORDER

This Criminal Revision is directed against the order passed in Crl.M.P.No. 584 of 2024 in C.C.No.183 of 2020, dated 15.03.2024, on the file of the Judicial Magistrate (Fast Track Court), Karaikudi, allowing the petition filed under Section 242(2) Cr.P.C.

2. On the basis of the complaint lodged by the second respondent, F.I.R., came to be registered in Cr.No.6 of 2001 against the petitioner and three others for the alleged offences under Section 498-A, 406, 494 I.P.C., and Section 4 of Dowry Prohibition Act. The respondent police, after completing the investigation, laid a final report against six persons including the petitioner and

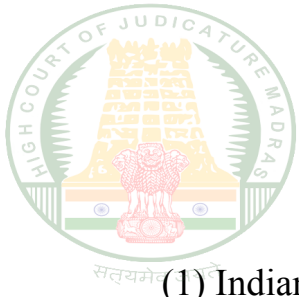


Crl.R.C.(MD).No.344 of 2024

WEB COPY

the case was taken on file in C.C.No.146 of 2002, on the file of the Court of Judicial Magistrate, Karaikudi. It is evident from the records that the case as against the fourth accused – Vallikannu was ordered to be split up from the main case and the same was taken on file in C.C.No.115 of 2004. It is also not in dispute that the case as against the first accused – Muthukaruppan was also ordered to split up and the same was taken on file in C.C.No.433 of 2010. After the formation of the Fast Track Court, the cases were transferred to the file of the Fast Track Court and the main case was renumbered as C.C.No.183 of 2020.

3. Pending examination of the prosecution side witnesses, the prosecution filed a petition allegedly under Section 242(2) Cr.P.c., for reception of additional documents n Crl.M.P.No.584 of 2024 wherein it has been stated that P.W.1 – defacto complainant has been chief examined by the previous Assistant Public Prosecutor, but the cross-examination was not taken up because of the non-support of the prosecution witnesses and after the efforts of the prosecution as well as the police, P.W.1 is now ready to appear before the trial Court for cross-examination, that P.W.1 had produced some documents in her favour to exhibit the same in the above case and that therefore, the additional documents may be received. It is necessary to refer the documents sought to be received;



Crl.R.C.(MD).No.344 of 2024

WEB COPY

- (1) Indian Bank Passbook in the name of Karuppan;
- (2) Wedding Invitation;
- (3) Marriage photos;
- (4) Marriage and photo album;
- (5) Marriage Album;
- (6) Separate Note for sridhana article;
- (7) பெண்ணுக்கு கொடுத்த சாமான் பட்டியல்கள்

4. The petitioner/accused has filed objections stating that the above petition is very belated and the same has been filed with false allegations, that the above proceedings were initiated on police complaint and charges framed against the accused were employment of cruelty and embezzlement of jewels, cash, shreedhana properties and bigamy, which came to be denied by the accused, that when the matter is subjudice, the defacto complainant cannot mislead the Court by improvising the case so as to give a pseudo impression as if all the charges are true, by producing forged documents, that all the documents submitted along with the above petition are all fabricated for the purpose of misleading the Court, that the complainant has earlier filed an application and obtained direction for reinvestigation by the concerned Deputy Superintendent of Police and during



Crl.R.C.(MD).No.344 of 2024

reinvestigation, he made search in the house of the accused as alleged by the complainant and no jewels and seer articles were found, that the complainant, if the said documents are genuine, may have used at the time of police investigation held in the year 2002 and after the lapse of 22 years, the above documents have been fabricated by the complainant in order to mislead the Court, that the above petition has been filed after the lapse of 22 years, that the complainant, if the documents are genuine, should have produced before the concerned police for reinvestigation and that the above petition is absolutely devoid of merits and the same is liable to be dismissed.

4. The learned Magistrate, after enquiry, has passed the impugned order dated 15.03.2024, by holding that it is the duty of the Court to ensure fair trial, that the documents proposed to be marked are all related to the marriage of the defacto complainant with the first accused, allowed the petition. Aggrieved by the impugned order, the present revision came to be filed.

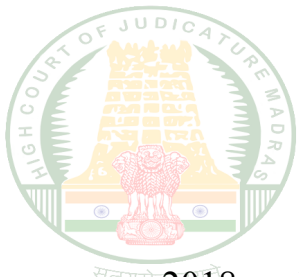
5. It is evident from the records that the defacto complainant has earlier filed a petition in Crl.M.P.No.2540 of 2011 for reception of additional documents and the learned Magistrate allowed the petition. Challenging the said



Crl.R.C.(MD).No.344 of 2024

order, the fourth accused Valliammai filed a revision in Crl.R.C.(MD)No.524 of 2011 and this Court allowed the revision and directed the trial Court to comply with the statutory requirements contained in Section 294 Cr.P.C. As rightly contended by the learned Counsel for the revision petitioner, the defacto complainant after passing of orders in Crl.R.C(MD)No.524 of 2011, has not chosen to exhibit the documents.

6. It is not in dispute that the defacto complainant has then filed a petition in Crl.M.P.No.3424 of 2012 seeking further investigation and the learned Magistrate, after enquiry passed an order dated 07.09.2012 dismissing the said petition. The defacto complainant, challenging the dismissal order filed a revision in Crl.R.C.(MD)No.468 of 2012 and this Court, vide order dated 12.08.2013 allowed the revision and thereby set aside the order passed in Crl.M.P.No.3424 of 2012. In pursuance of the orders passed in Crl.R.C.(MD)No.468 of 2011, further investigation was conducted and amended charge sheet came to be filed. It is also not in dispute that thereafter the defacto complainant has again filed another petition in Cr.M.P.No.1797 of 2017 seeking further investigation. But the trial Court dismissed the said petition. Challenging the dismissal, the defacto complainant filed a revision in Crl.R.C.(MD)No.252 of



Crl.R.C.(MD).No.344 of 2024

WEB COPY

2018 and this Court, vide order dated 02.06.2023 dismissed the revision and thereby confirmed the order dismissing the petition for further investigation and also directed the trial Court to complete the trial within a period of two months.

7. As rightly contended by the learned Counsel for the petitioner, during further investigation conducted in pursuance of the orders of this Court in Crl.R.C.(MD)No.468 of 2012, it is not the case of the defacto complainant that she has produced the documents now sought to be received. It is also not the case of the defacto complainant that she has produced the said documents along with her second application seeking further investigation, which came to be dismissed by the trial Court and confirmed by this Court subsequently. As rightly contended by the learned Counsel for the petitioner, after the lapse of more than 23 years, the defacto complainant has filed the above petition through Assistant Public Prosecutor for reception of additional evidence. As already pointed out, the documents now sought to be received are marriage invitation, marriage photos, marriage album. The defacto complainant has also produced separate note showing shridana articles and the list of articles allegedly given to her, but admittedly the said documents do not contain anybody's signature.

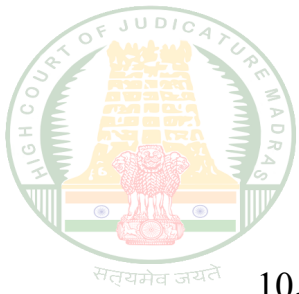


Crl.R.C.(MD).No.344 of 2024

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8. As rightly pointed out by the learned Counsel for the petitioner, even in the petition filed under Section 244(2) Cr.P.C., by the prosecution, it has been stated that P.W.1, despite giving chief examination evidence, did not co-operate for cross-examination and only after the efforts of the prosecution as well as the police, P.W.1 expressed her readiness to appear for cross-examination. As already pointed out, the defacto complainant alone has stated that she is having some documents and the same came to be exhibited before the Court and only on that basis, the above petition came to be filed.

9. Recently, the Hon'ble Supreme court in ***Sameer Sandhir vs Central Bureau Of Investigation*** reported in ***2025 Live Law SC 627***, has held that a bonafide omission by the prosecution to submit relied upon documents to the Magistrate does not prevent it from producing those documents after the charge sheet is filed, regardless of whether they were gathered before or after the investigation.



Crl.R.C.(MD).No.344 of 2024

WEB COPY

10. In the above decision case, the prosecution has sought permission to produce additional documents in the form of compact disk, which were referred to in the supplementary charge sheet, but it omitted to produce the same to the Magistrate and during the stage of trial, the prosecution's application to produce additional evidence came to be allowed by the Magistrate, which was also upheld by the High Court and when that was challenged before the Hon'ble Supreme Court, the Hon'ble Supreme Court by observing that the documents sought to be received ie., compact disks were already referred to in the supplementary charge sheet, but there was only an omission on the part of the respondent to produce the CDs., dismissed the appeal and confirmed the orders of the High Court.

11. In the case on hand, it is not the case of the prosecution that the documents now sought to be received were already referred in the charge sheet or in the amended charge sheet. Neither the defacto complainant nor the prosecution has not offered any reason or explanation for not producing the above documents at the earliest point of time. It is pertinent to mention that though this Court has directed the trial Court to dispose of the case within a period of two months, on 02.06.2023 while dismissing the Criminal Revision



Crl.R.C.(MD).No.344 of 2024

WEB COPY

case in Crl.R.C.(MD)NO.252 of 2018, even according to the prosecution, the defacto complainant was not co-operating for proceeding the trial. The learned Counsel for the petitioner would submit that the petitioner, father-in-law of the defacto complainant is now aged about 92 years and he has been made to run from pillar to post. As already pointed out, the above criminal case is pending from 2002 onwards for the past more than 23 years.

12. Considering the entire facts and circumstances and the stage at which the above application for reception of additional evidence came to be filed and taking note of the petitions filed by the defacto complainant so far, this Court has no hesitation to hold that the defacto complainant has been abusing the process of law and thereby protracting the trial proceedings endlessly. As already pointed out, the prosecution has filed the above petition at the behest of the defacto complainant and the prosecution has not canvassed any acceptable reason or ground for production of the said documents at this point of time and the relevancy to the case on hand. Moreover, the learned Magistrate, without considering the above aspects in proper perspective, just by observing that it is the duty of the Court to ensure fair trial, has proceeded to allow the application in a casual and mechanical fashion. The concept of fair trial extends to both the



Crl.R.C.(MD).No.344 of 2024

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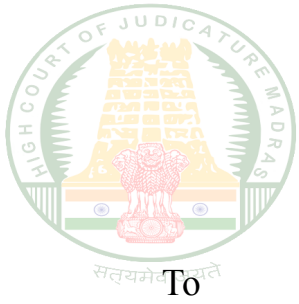
complainant and the accused ensuring that justice is not only be done, but also seen to be done. Hence, this Court concludes that the impugned order allowing the prosecution to exhibit the documents cannot be sustained and is liable to be set aside.

13. In the result, the Criminal Revision Case is allowed and the impugned order passed in Crl.M.P.No.584 of 2024, in C.C.No.183 of 2020, dated 15.03.2024, on the file of the Judicial Magistrate, Fast Track Court, Karaikudi is set aside. The learned Judicial Magistrate, Karaikudi is directed to complete the trial and dispose of the case within a period of two months from the date of receipt of a copy of this order. Consequently the connected Miscellaneous Petition is closed.

20.06.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No

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Crl.R.C.(MD).No.344 of 2024

To
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1. The Judicial Magistrate Court, Fast Track Court,
Karaikudi.
2. The Inspector of Police,
All Women Police Station,
Karaikudi, Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.R.C.(MD).No.344 of 2024

K.MURALI SHANKAR, J.

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Pre-Delivery order made in

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20.06.2025