



CRL RC(MD)No.866 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.866 of 2025

and

CRL MP(MD)No.9211 of 2025

P.Paramasivan

... Petitioner / Petitioner

Vs.

State of Tamilnadu,
Rep. by the Deputy Superintendent
of Police,
CBCID, Trichy.

... Respondent / Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to call for the records and set aside the order dated 03.07.2025 in so far as the cost imposed, passed in CrI.M.P.No.1145 of 2025 in S.C.No.195 of 2011 on the file of the learned Additional District and Sessions Judge (FTC), Tenkasi.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

ORDER

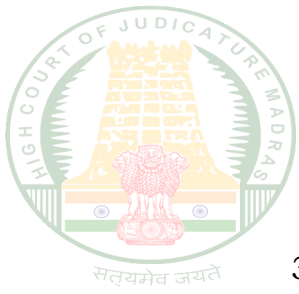
Challenging the order passed by the learned Additional District



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and Sessions Judge (FTC), Tenkasi, passed in CrI.M.P.No.1145 of 2025 in S.C.No.195 of 2011, dated 03.07.2025, this Criminal Revision case is filed.

2. Though this criminal revision case has been preferred as against the dismissal of the discharge petition preferred by the petitioner under Section 227 of Cr.PC., /250 of BNSS, when the matter came up for admission, the learned counsel for the petitioner submitted that he is ready to face the trial before the learned Trial Court. However, he restricts his prayer as far as the cost portion of the impugned order is concerned and sought to set aside the said cost portion. The learned counsel for the petitioner further pointed out that the petitioner herein is a Head Constable against whom the criminal case for custodial death has been initiated and he is not allowed to retire and he is now 65 years old and he has a good case to contest before the learned Trial Court. However, the petitioner was not even provided with subsistence allowance for the past four months and he is suffering a lot of financial constraints during his post-retirement age and sought the mercy of this Court to consider his financial plight and set aside the cost portion of the impugned order.



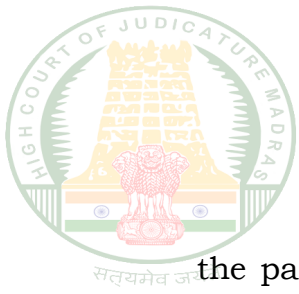
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3. The learned Additional Public Prosecutor Mr.S.Ravi categorically contended that the petitioner had suppressed the factum of an order passed by this Court earlier in CRL RC(MD)No.656 of 2024, on the basis of the said order passed in that Court, the respondent police had arrayed the petitioner herein as accused in the said criminal case, suppressing the said fact the petitioner had filed a discharge petition and only in view of the same, the learned Trial Court had imposed a heavy cost of Rs.10,000/- and hence it is not necessary to interfere with the same and pressed for dismissal of the criminal revision case.

4. Heard the learned counsels on both sides and carefully perused the materials available on record.

5. Though the contention of the learned Additional Public Prosecutor seems just that the petitioner has filed a discharge petition only to protract the prosecution case before the learned Trial Court, I find merit in the submission made by the learned counsel for the petitioner that he is suffering penury after his retirement to such an extent that he is not even provided with the subsistence allowance for



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the past four months. Observing that the subsistence allowance is the right of the suspended employee, this Court finds it necessary to set aside the cost portion of the impugned order. Accordingly the cost portion of the impugned order is set aside and the petitioner is directed to face the trial before the learned Trial Court.

6. With the above directions, this Criminal Revision case is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

16.07.2025

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

To

- 1.The Additional District and
Sessions Judge (FTC),
Tenkasi.
- 2.The Deputy Superintendent
of Police,
CBCID, Trichy.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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L.VICTORIA GOWRI, J.,

Sml

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