

Crl.R.C.(MD)No.871 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.871 of 2022

and

Crl.M.P(MD)No.10907 of 2022

Sasikala

... Petitioner/Petitioner/
6th Accused

Vs.

The State of Tamil Nadu,
Rep.by the Inspector of Police,
District Crime Branch Police Station,
Pudukkottai.
(Crime No.30/2013)

... Respondent/Complainant

Prayer : Criminal Revision Case is filed under Section 397 & 401 of Cr.P.C., to call for the records relating to the order dated 13.07.2022 made in Cr.M.P.No.1699 of 2018 in C.C.No.559 of 2018 on the file of the Judicial Magistrate No. II, Pudukkottai and set aside the same as illegal.

For Petitioner : Mr.D.Rameshkumar

For Respondent : Mr.S.Ravi
Additional Public Prosecutor



Crl.R.C.(MD)No.871 of 2022

ORDER

WEB COPY

Challenging the order passed by the learned Judicial Magistrate No.2, Pudukkottai in Cr.M.P.No.1699 of 2018 in C.C.No.559 of 2018, dated 13.07.2022 dismissing the discharge petition filed by the petitioner herein who is the 6th accused, this criminal revision case is filed.

2. The petitioner who is the 6th accused in C.C.No.559 of 2018 filed a discharge petition under Section 239 of the Code of Criminal Procedure, 1973 to discharge him from the alleged offenses under Sections 120(B), 465, 468, 477, 477A of IPC in Crime No.30 of 2013.

3. The learned counsel for the petitioner pointing out the details of the charge sheet filed by the respondent police categorically contended that no specific overt act has been made out as against the petitioner who was implicated as 6th accused in the aforesaid crime by the respondent police and as such the learned Trial Court ought to have duly appreciated the same and should have discharged him from the criminal case.



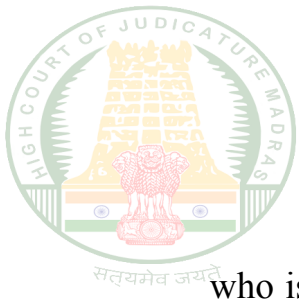
Crl.R.C.(MD)No.871 of 2022

WEB COPY

4. Per contra, the learned Additional Public Prosecutor categorically contended that the case as projected by the learned counsel for the petitioner is incorrect and he pointed out that the 1st accused being the sub staff of the Pudukottai District Sub Registry who was working under the 6th accused / petitioner herein had been the kingpin in the said crime and without the connivance and permission of the 6th accused who is the higher authority of the 1st accused, the said crime would not have been possible and hence the role of the 6th accused could be substantiated only after trial and the same has been duly recorded by the learned Trial Court in the impugned order and pressed for dismissal of the criminal revision case.

5. Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor for the respondent and carefully perused the materials available on record.

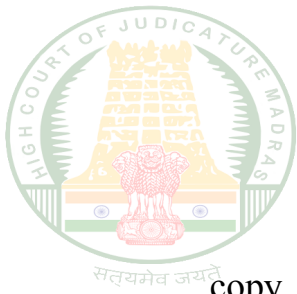
6. No doubt in a case for the offenses under sections 120(B), 465, 468, 477, 477A of IPC as rightly contended by the learned Additional Public Prosecutor, it is only after the trial, the role of the petitioner herein



Crl.R.C.(MD)No.871 of 2022

WEB COPY

who is the 6th accused could be ascertained whether the activity of the 1st accused could have been done with the consent or without the consent of the 6th accused. Though the learned counsel for the petitioner pointed out that the Government Order bearing No.477, dated 24.11.2010 of the Registration Department has mandated that the Sub Register cannot go into the details of the document while registration and only in terms of the aforesaid Government Order, the petitioner / 6th accused who served as a Sub Registrar had duly and diligently facilitated the registration of the said document without going through the contents of the document. That apart, the Trial Court recording the circular issued by the Office of the Inspector General of Registration in Letter No.18339/C1/2012 dated 25/04/2012 has made it clear that in case where previous original document is lost, the party should produce certified copy of the document, copy of complaints recorded in Police station and copy of advertisement published in local dailies regarding loss of documents. In such case, the party has to produce patta / property tax receipt in original. Further, the learned Trial Court recorded that in the charge sheet which has been clearly stated that the certified copy of document, copy of complaint and patta in the name of 3rd accused were made, but whether



Crl.R.C.(MD)No.871 of 2022

WEB COPY

copy of advertisement along with the other documents are produced is not clear. Also the petitioner who is the 6th accused has also failed to take due notice of the schedule 2 and book 1 available at the office and thereafter, the learned Trial Court concluded that only after trial, the role of the petitioner could be substantiated and hence, the learned Trial Court was not inclined to discharge the petitioner.

7. I do not find any infirmity in the order passed by the learned Trial Court. This criminal revision case fails and accordingly, this Criminal Revision Case stands dismissed. Consequently, connected Miscellaneous Petition is closed.

05.08.2025

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

gbg



Crl.R.C.(MD)No.871 of 2022

WEB COPY

To

- 1.The Judicial Magistrate No.II,
Pudukkottai.
- 2.The Inspector of Police,
District Crime Branch Police Station,
Pudukkottai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.R.C.(MD)No.871 of 2022

L.VICTORIA GOWRI ,J.

gbg

Order made in
Crl.R.C.(MD)No.871 of 2022

Dated: 05.08.2025