



Crl.R.C.(MD)No.934 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.934 of 2025

and

Cr.M.P(MD)No.9844 of 2025

1.V.Karthick

2.K.Mariappan

... Petitioners/Petitioners/
Accused Nos.4 & 5

Vs.

State of Tamil Nadu,
Rep.by the Inspector of Police,
Irukkankudi Police Station,
Virudhunagar District.
(Crime No.9 of 2023)

... Respondent/Respondent/
Complainant

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 of BNSS, to call for the records pertaining to the Order dated 02.06.2025 made in M.P.No.13 of 2024 in S.C.No.174 of 2023 on the file of the Assistant Sessions Court, Sattur, Virudhunagar District and set aside the same.

For Petitioner : Mr.C.Mayil Vahana Rajendran

For Respondent : Mr.S.Ravi
Additional Public Prosecutor



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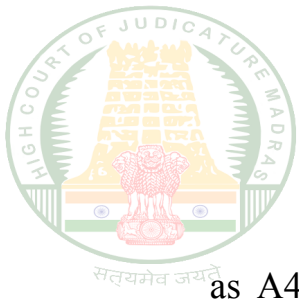
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ORDER

Challenging the order passed by the learned Assistant Sessions Court, Sattur, Virudhunagar District in M.P.No.13 of 2024 in S.C.No.174 of 2023 dated 02.06.2025, this criminal revision case is filed.

2. The petitioners herein are accused nos.4 and 5 in S.C.No.174 of 2023. The petitioners filed an application under Section 227 of Code of Criminal Procedure seeking to discharge them from the said case. However, the learned Trial Court dismissed the same by order, dated 02.06.2025. Challenging the same, this criminal revision case is filed.

3. The case of the prosecution is that the on 04.02.2023, the 1st accused one Sathyakumar, due to the previous enmity in their business competition, along with four office friends had attempted to murder the defacto complainant, for which the police had registered a criminal case in Crime No.9 of 2023 for the offences under Sections 147, 148, 447, 347, 324, 384, 307, 294(b) and 506(2) of IPC. After investigation, when the final report was filed on 20.04.2023, the petitioners were implicated



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as A4 and A5 in the aforesaid criminal case. A careful perusal of the charge sheet would not reveal any overt act as against the petitioners herein and sought for discharging them from the criminal case.

4. The learned Trial Court on consideration of the objection raised by the respondent, had dismissed the same observing that one Rajendran, who is the eye witness to the said occurrence on 04.02.2023, had given a statement under Section 161 of Code of Criminal Procedure that the 1st accused Sathyakumar and 4 other persons had indulged in the said attack and of them, the petitioners have also taken part and on the basis of the said the statement, the learned Trial Court had dismissed the discharge petition. Challenging the same, this criminal revision case is filed.

5. The learned counsel for the petitioner submitted that on the date of registration of the criminal case on 05.02.2023, the petitioners were not added as accused in the said F.I.R. Thereafter, neither in the F.I.R nor in statement under Section 161 of Code of Criminal Procedure obtained by the respondent police would reveal the involvement of the petitioners herein. Thereafter, only on 20.04.2023, the respondent police claiming to



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have obtained a further statement from one Rajendran and Ganapathi, had implicated the petitioners as A4 and A5 and it could be understood that on the same day itself the charge sheet has been made ready and such an exercise is impermissible and pressed for allowing the discharge petition.

6. Per contra, the learned Additional Public Prosecutor categorically contended that though the charge sheet would have been made ready on 20.04.2023, it would have been filed in a later date and at any point of time before the completion of the investigation, the respondent police can record the statements under Section 161 of the Code of Criminal Procedure for the purpose of the criminal case and hence, the claim of the petitioners that their names were not reflected in F.I.R and earlier statement under Section 161 of Code of Criminal Procedure will not absolve his criminal liability in the criminal case and pressed for dismissal of the criminal revision case.

7. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and carefully perused



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the materials available on record.

8. It is needless to state that at any stage of investigation, the respondent police could record statement under Section 161 of Code of Criminal Procedure and at the stage of discharge, the learned Trial Court cannot go into the veracity of the statements obtained by the police from the list of witnesses and the point which the petitioners have raised that their involvement is incorrect and the overt act which is attributed to them is also not correct could be substantiated only at the time of trial. Hence, I do not find any demerits in the impugned order. The appearance of the petitioner is dispensed with in the trial except when his appearance is required for the purpose of the case.

9. Accordingly, this Criminal Revision Case stands dismissed. Consequently, connected Miscellaneous Petition is closed.

28.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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- 1.The Assistant Sessions Court, Sattur,
Virudhunagar District.
- 2.The Inspector of Police,
Irukkankudi Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI ,J.

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Order made in
CrI.R.C.(MD)No.934 of 2025

Dated: 28.07.2025