



Crl.OP(MD)No.22636 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :10.12.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.22636 of 2025

S.Prem Kumar

... Petitioner/Defacto
complainant

Vs.

1.The State of Tamil Nadu
rep., by the Inspector of Police,
Emaneshwaram Police Station,
Ramanathapuram District.
Crime No.54 of 2013

2.M.Kalidass

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the learned Judicial Magistrate Court, Paramakudi, to frame charges under Section 326 IPC against the accused in restored case in CC.No.128 of 2017 forthwith as per the judgment of the learned Principal District and Sessions Court in C.A.No.20 of 2021 dated 18.11.2021 and confirmed by this Court judgment in Crl.R.C(MD).No. 355 of 2022 dated 30.07.2024.



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For Petitioner : Mr.S.Prem Kumar (Party-in-person)

For R-1 : Mr.M.Sakthi Kumar,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking to direct the learned Judicial Magistrate Court, Paramakudi, to frame charges under Section 326 IPC against the accused in restored case in CC.No. 128 of 2017 forthwith, as per the judgment of the learned Principal District and Sessions Court in C.A.No.20 of 2021 dated 18.11.2021 and confirmed by this Court in Crl.R.C(MD).No.355 of 2022 dated 30.07.2024.

2. The crux of the case is that the accused/second respondent has abused the petitioner's physical appearance and caused injury to him on 14.05.2013. In this regard, an FIR was registered under Sections 294(b), 324 and 506(ii) IPC. After conducting investigation, final report was



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filed before the Court below for the offences under Sections 294(b), 324 and 506(ii) IPC, subsequently, altered into Sections 294(b), 325 and 506(ii) IPC and the same was taken on file in CC.No.128 of 2017. After completion of trial, the learned trial Judge passed the judgment convicting the accused/ second respondent for the offences under Sections 294(b), 325 and 506(ii) IPC. Aggrieved over the same, the petitioner has filed C.A.No.20 of 2021 before the Principal District cum Sessions Judge, Ramanthapuram, and the accused also filed C.A.No.16 of 2021 before the same Court. Both were heard together. The learned Appellate Judge considering the nature of the injuries, remanded the matter to the trial Court to frame the charge under Section 326 of IPC. Challenging the same, the petitioner has filed criminal revision case before this Court in Crl.R.C(MD).No.355 of 2022 and this Court vide order dated 30.07.2024 confirmed the order of the appellate Court. Now, the petitioner seeking the aforesaid prayer has filed this petition.

3. Heard the learned counsel on either side and carefully perused the materials available on record.



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4. The learned Government Advocate(Crl.side) appearing for the first respondent submitted that the delay is also attributable to the fact that the second respondent was found to be in an infirm state of mind and was engaged in begging. It was further submitted that, if charges are framed afresh, he should be in a state of mind, where he would be able to understand the proceedings before the court as against him and that has also to be taken into consideration.

5. Recording the above submission, this Court directs the learned Judicial Magistrate, Paramakudi, to frame charge under Section 326 IPC as against the accused in restored case in CC.No.128 of 2017 forthwith as per the direction of the learned Sessions Judge in C.A.No. 20 of 2021 dated 18.11.2021 which has also confirmed by this Court in Crl.R.C(MD).No.355 of 2022. The trial Court is also directed to conclude the trial as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order.



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6. With the above direction, this Criminal Original Petition is allowed.

10.12.2025

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

To

- 1.The Principal District and Sessions Judge, Ramanathapuram.
- 2.The Judicial Magistrate Court, Paramakudi.
- 3.The Inspector of Police,
Emaneshwaram Police Station,
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Rmk

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