



WEB COPY

Crl.R.C.No.283 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.283 of 2026

and

Crl.M.P.No.1986 of 2026

Kalai @ Kalaiarasan

...Petitioner

Vs.

State by
The Inspector of Police
T-3, Korattur Police Station
Chennai.
Crime No.751 of 2012.
...Respondent

Prayer: Criminal Revision Petition filed under Section 438 r/w 442 of BNSS., to call for the records and to set aside the order dated 12.12.2025 made in C.M.P.No.83 of 2025 on the file of the Court of the Subordinate Judge, Ambattur .

For Petitioner : Mr.R.Thamaraiselvan

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)



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ORDER

The revision challenges the dismissal of the discharge petition filed by the petitioner before the Trial Court.

2. The petitioner/A-5 is facing prosecution for the offences under Sections 147, 148, 341, 294(b) and 307 of IPC. The case of the prosecution is that on account of prior enmity, on the instigation of A1, A2 and A3 had assaulted the de facto complainant with knife on his left hand and on his head while the petitioner and two others guarded the place and thus committed the aforesaid offences. The petitioner sought for discharge before the Trial Court and it came to be dismissed by the impugned order.

3. Learned counsel for the petitioner would submit that the de facto complainant is no more and that since the prosecution seeks to establish the guilt of the petitioner only through the confession of the co-accused, in the absence of any acceptable material, the petitioner should not be allowed to face the ordeal of the trial.

4. Learned Government Advocate (Crl.Side) would submit that besides the de facto complainant, there are other witnesses to speak about



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the alleged occurrence and the involvement of the petitioner and therefore, the prosecution must be permitted to prove its case before the Trial Court.

5. The allegation against the petitioner is that he was also present at the scene of occurrence along with other accused and he stood guard along with two others while the 2nd and 3rd accused attacked the complainant. Though admittedly, the de facto complainant is no more, this Court is of the view that the prosecution must be allowed to establish its case before the Trial Court and the trial cannot be scuttled at this stage. Hence, this Court finds no reason to interfere with the impugned order and the revision is dismissed. Connected miscellaneous petition is closed.

09.02.2026

Index : Yes/No
Speaking order : Yes/No
Neutral Citation : Yes/No
nv

To

1.The Subordinate Judge, Ambattur
2.The Inspector of Police
T-3, Korattur Police Station
Chennai.

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SUNDER MOHAN.J.,

nv

3. The Public Prosecutor, High Court,
Madras.

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and

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