



WEB COPY

CRL RC No. 820 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL RC No. 820 of 2026

and

CRL MP Nos. 6305 and 6306 of 2026

Balakrishnan

..Petitioner

Vs

State Rep. by,
The Inspector of Police,
DCB Police Station (ALGSC),
Dharmapuri District.
Crime No.02/2020

..Respondent

Prayer: Criminal Revision case filed under section 438 and 442 of BNSS to call for the records and to set aside the order passed by the learned Judicial Magistrate, Palacode, Dharmapuri District in CrI.M.P.No.792/2025 in C.C.No.106/2023 dated 20.02.2026.

For Petitioner:

Mr.E.Kannadasan

For Respondent:

Mr.R.Kishore Kumar

Govt.Advocate (Crl Side)

ORDER

This Criminal Revision case has been filed to call for the records and to set aside the order passed by the learned Judicial Magistrate, Palacode, Dharmapuri District in CrI.M.P.No.792/2025 in C.C.No.106/2023 dated 20.02.2026.



2. The learned counsel for the petitioner submitted that the discharge application has been dismissed on the ground that prior to filing of the discharge application, charge have been framed on 03.12.2021.

3. The learned Government Advocate (Crl.Side) submitted that originally the case was registered in CC.No.154 of 2021 on the file of the learned Judicial Magistrate, Palacode and during 2023, the same was transferred to this Court and when the matter was pending before the learned Judicial Magistrate Court, Palacode, charge was framed on 03.12.2021.

4. Considering the above facts and circumstances, this Court is of the firm view that discharge application under Section 239 of CR.P.C is not maintainable after framing of charges. In this connection, the learned Magistrate has also relied upon the judgment of the Hon'ble Supreme Court in the case of *Ratilal Bhanji Mithani Vs State of Maharashtra* reported in (1979) 2 SCC 179. In such view of the legal position, this Court of the firm view that there are no merits in the present application. Hence, this Criminal Revision is dismissed. Consequently, connected miscellaneous petitions are closed.

17-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

SHL



To:

1. The Judicial Magistrate, Palacode,
Dharmapuri District

2. The Inspector of Police,
DCB Police Station (ALGSC),
Dharmapuri District.

3. The Public Prosecutor
High Court of Madras



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C.KUMARAPPAN J.

SHL

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