



WEB COPY

CRL RC No. 543 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2026

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

CRL RC No. 543 of 2026

1. Masani

Petitioner(s)

Vs

1. The State rep.by
The Inspector of Police,
Komaralingam Police Station,
Komaralingam, Tiruppur District.
Cr.No.40 of 2021.

2.Kulanthaivel

3.Kaliyammal

Respondent(s)

PRAYER

To call for the records and set aside the same in order dated 13.11.2025 made in CC.No.45 of 2021 passed by the learned District Munsif cum Judicial Magistrate, Madathukulam, Tirupur District and allow this Cr.RC.

For Petitioner(s): M/s.S.Sivakumar

For R1 : Mr.R.Kishore Kumar,
Government Advocate (Crl.Side)



ORDER

The revision challenges the order dated 13.11.2025 passed by the learned District Munsif-cum-Judicial Magistrate, Madathukulam, Tiruppur District in C.C.No.45 of 2021.

2. The learned counsel for the petitioner would vehemently submit that the learned Magistrate, without even going into the report submitted by the police and merely relying upon the evidence of P.W.1 at the time of trial, has proceeded to include the petitioner as the third accused under Section 319 of the Code of Criminal Procedure, which is contrary to law. According to the learned counsel, there must be a prima facie case against the petitioner before including him as an additional accused.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that a reading of the chief examination of P.W.1 would disclose the commission of the offence and that the learned Magistrate has recorded reasons as to why the trial has to proceed against the additional accused.

4. I have given anxious consideration to the submissions of the learned counsel on either side.



5. On a perusal of the evidence of P.W.1, it is seen that she has spoken about the overt act of one Masani. The learned Magistrate had also put a Court question and found that the said Masani was trading along with A1 and A2. The learned Magistrate, by referring to the FIR as well as the complaint given by P.W.1, has also found that the name of the said Masani finds place both in the FIR as well as in the complaint. However, his name was omitted at the time of filing of the charge sheet.

6. In such circumstances, while looking into Section 319 of the Code of Criminal Procedure, 1973, it provides that *“where, in the course of any inquiry into, or trial of, an offence, it appears from the evidence that any person not being the accused has committed any offence for which such person could be tried together with the accused, the Court may proceed against such person for the offence which he appears to have committed”*. Therefore, from the above provision, it is clear that if there is prima facie material available against a person who has not been arrayed as an accused, the learned Magistrate is competent to proceed against such person.

7. In the present case, the prima facie material relied upon by the learned Magistrate is the reference to the said person, namely Mr. Masani, in the complaint as well as in the FIR. Only in such circumstances and based on the



evidence of P.W.1, the learned Magistrate has proceeded to include the said Masani as an additional accused under Section 319 Cr.P.C.

WEB COPY

8. This Court finds that the order passed by the learned Magistrate is in consonance with the provisions of Section 319 Cr.P.C. and therefore, there is no infirmity in the order dated 13.11.2025 passed by the learned District Munsif-cum-Judicial Magistrate, Madathukulam, Tiruppur District in C.C.No.45 of 2021.

9. Accordingly, the Criminal Revision Case is dismissed. The learned Magistrate is directed to proceed with the trial uninfluenced by any of the observations made in this order.

04-03-2026

skr

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



WEB COPY

To

1. Learned District Munsif-cum-Judicial Magistrate,
Madathukulam, Tiruppur District.
2. The Sub-Inspector of Police,
Komaralingam Police Station,
Komaralingam, Tiruppur District.
3. The Public Prosecutor, Madras High Court, Chennai.



WEB COPY

CRL RC No. 543 of 2026



C.KUMARAPPAN J.
skr

CRL RC No. 543 of 2026

04-03-2026