



WEB COPY

CRL RC No. 37 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 37 of 2026

P.Siravanan

..Petitioner(s)

Vs

1. The State rep by The Inspector of Police
Harur Police Station, Krishnagiri District.
Crime No.40 of 2014.

2. K. Sivaprakasam

..Respondent(s)

To call for the records culminating in Crl.M.P.No.3302 of 2024 in STC No.148 of 2021 on the file of the Learned Judicial Magistrate, harur vide order dated 25.10.025 set aside and allow the same.

For Petitioner(s):

B.Mohan

For Respondent(S):

Mr.R.Vinothraja

Government Advocate (Criminal Side)

(For R1)

M/S.C.Palanisamy

(For R2)



ORDER

The revision challenges the dismissal of the petitioner's application filed under Section 319 Cr.P.C., seeking to summon the second respondent herein as an additional accused.

2. The petitioner had lodged a private complaint alleging offences under Sections 120B, 195, 211 and 500 IPC as against certain accused. During the course of trial, the petitioner filed a petition under Section 319 Cr.P.C., seeking to summon the second respondent herein as an additional accused, based on the earlier statement of one Mr. Rajadurai, who was examined by the complainant prior to cognizance being taken by the learned Magistrate.

3. The learned Magistrate dismissed the said petition on the ground that Mr. Rajadurai, who was examined as a prosecution witness, had not stated anything against the second respondent in his deposition before the Court and, therefore, there was no evidence warranting the summoning of the second respondent under Section 319 Cr.P.C.

4. The learned counsel for the petitioner fairly concedes that, though Mr. Rajadurai had earlier stated at the pre-cognizance stage about the alleged



involvement of the second respondent, he had not spoken about the same in his deposition.

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5. Admittedly, the witness Mr. Rajadurai, whose statement is relied upon by the petitioner to invoke Section 319 Cr.P.C. as against the second respondent, has not stated anything against him in his deposition before the Court. It is well settled that the power under Section 319 Cr.P.C. can be invoked only when the evidence is strong and cogent, and the standard of proof required is higher than that required for framing of charge.

6. In the present case, the learned Magistrate was right in holding that there is no evidence to summon the second respondent. Hence, this Court finds no infirmity in the order dated 25.10.2025 passed in Crl.M.P.No.3302 of 2024 by the learned Judicial Magistrate, Harur.

7. Accordingly, the criminal revision case stands dismissed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

skr



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SUNDER MOHAN, J.
skr

1. Learned Judicial Magistrate, Harur
2. The Inspector of Police
Harur Police Station,
Krishnagiri District.
3. Learned Public Prosecutor,
Madras High Court, Chennai.

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