



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-01-2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 13 of 2026

and

CrI.M.P.No.52 of 2026

Sathish

Petitioner(s)

Vs

The State Rep.by,
The Inspector of Police,
K-6, T.P.Chatram Police Station,
Chennai - 600 010.

Respondent(s)

PRAYER: Criminal Revision filed under Section 438 and 442 of BNSS to call for the records pertaining to the order dated 01.12.2025 made in CrI.M.P.No.2 of 2025 in SC.No.328 of 2024 on the file of the XVIII Additional Sessions Judge, City Civil Court, Chennai.

For Petitioner(s): Mr.S.Panneer Selvam

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

ORDER

The revision challenges the dismissal of the petitioner's application for discharge.

2.The gist of the allegation as against A1 in the final report is that on 26.03.2024, on account of the prior enmity, A1 attacked the son of the de facto complainant; and that A2, the petitioner herein aided him by preventing the general public who came to rescue the victim from A1's attack.



3. The petitioner sought for discharge before the Trial Court on the ground that there was a CCTV footage available which clearly establishes that the petitioner was not present in the scene of occurrence; and that therefore, the prosecution case and the witnesses cited by the prosecution cannot be believed.

4. The Trial Court found that the de facto complainant and the other witnesses have stated about the presence of the petitioner; that the question whether the petitioner shared a common intention with the first accused cannot be adjudicated at the stage of framing of charges; and therefore, dismissed the petition.

5. The learned counsel for the petitioner however would submit that the electronic record, namely, CCTV footage is clearly contrary to the statements recorded from the de facto complainant and the other Eye witnesses. The said footage falsifies the version of the witnesses and that the petitioner should not be made to suffer the ordeal of trial and prayed that the impugned order may be set aside.

6. The learned Government Advocate (CrI.Side) per contra submitted that the question of whether the de facto complainant and the other Eye witnesses are to be believed or not can only be adjudicated by the Trial Court and on the basis of the CCTV footage, which has to be tested in the trial, and hence the petitioner cannot be discharged.



7. It is seen from the impugned order that the learned Judge had considered the statements of the de facto complainant and other witnesses to hold that there was a *prima facie* case against the petitioner to proceed further in the trial. The learned Judge also had recorded the fact that the petitioner was not found in the CCTV footage. As rightly contended by the learned Government Advocate (Crl.Side), the prosecution must be given an opportunity to explain the contents of the CCTV footage and also establish their case before the Trial Court. At this stage, the Court cannot sift and weigh the material relied upon by the prosecution to adjudicate whether the petitioner is guilty or not guilty of the offences. The learned Judge has therefore rightly dismissed the petition.

8. Hence, this criminal revision stands dismissed with liberty to the petitioner to raise all the points during the course of trial. Considering the request of the petitioner, personal appearance of the petitioner before the trial Court is dispensed with, provided he is represented by a Lawyer, unless his presence is required by the learned Judge for the progress of the Trial. Consequently, connected miscellaneous petition is also closed.



06-01-2026

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

SUNDER MOHAN, J.

sli

To

1. XVIII Additional Sessions Judge,
City Civil Court, Chennai.

2. The Inspector of Police,
K-6, T.P. Chatram Police Station,
Chennai - 600 010.

CRL RC No. 13 of 2026



WEB COPY



06-01-2026