

**IN THE COURT OF THE JUDICIAL MAGISTRATE,
SULUR, COMBATORE DISTRICT.**

**Present: Thiru.T.Arunkumar,M.A.,M.L.,M.B.A.,
Judicial Magistrate, Sulur**

Monday the 06th day of April 2026

MP No: 1 of 2025

CC 214/2025

The Inspector of Police,

Karumatthampatti PS,

Cr.No.145/2021, u/s 294(b),324,506(ii) of IPC

..Complainant/Petitioner

-Vs-

Mr. Thennarasa,

S/o. Ramasamy.

...Accused/Respondent

This petition has been filed on 15.10.2025 and came for final hearing on 12.03.2026 in the presence of Tmt.R.SenthamilSelvi, B.A., B.L.,(Hons)., and Thiru. P. Bagavathi ,B.Com.,B.L., learned counsel for the petitioner and on perusal of the petition and connected records and on hearing both sides, this court passed the following

The present petition has been filed by the petitioner under section 319 of Cr.P.C by the prosecution for addition of accused.

(1). The gist of the petition filed by the Prosecution is as follows:

(1.1) The petitioner submits that the above case is pending before this Hon'ble Court. It is submitted that during the course of trial, the defacto complainant, in her chief examination, has stated that one Bharath had also participated in the commission of the offence along with the existing accused.

(1.2) It is further submitted that the said Bharath was actively involved in the

occurrence and had taken part in the commission of the offence. PW1 during her chief examination categorically deposed about the involvement of the said Bharath. The non-inclusion of Bharath in the charge sheet is due to inadvertence and lack of proper appreciation of evidence during investigation. Therefore, it is just and necessary that this Hon'ble Court may exercise its powers under Section 319 CrPC and implead the said Bharath as an additional accused.

(2). The gist of the counter filed by the accused counsel is as follows:

(2.1) The respondent/accused submits that the petition filed under Section 319 CrPC is unsustainable both in law and on facts and liable to be dismissed. It is submitted that the name of Bharath is not found in the original complaint given to the police, which is the earliest version of the prosecution case. Hence, the subsequent inclusion during chief examination is only an afterthought and improvement. It is further submitted that the Accident Register maintained by the Doctor, prepared immediately after the occurrence, mentions only one accused, and there is absolutely no reference to Bharath.

(2.2) It is submitted that after thorough investigation, the police have filed a final report only against this respondent/accused, and no material evidence was found against Bharath. The allegation made during chief examination is uncorroborated, inconsistent, and contrary to the earlier records, and therefore does not satisfy the legal requirement under Section 319 CrPC. It is submitted that the power under Section 319 CrPC is an extraordinary power, which must be exercised only when there is strong and cogent evidence, as laid down by the Hon'ble Supreme Court in Hardeep Singh v. State of Punjab (2014) 3 SCC 92.

(2.3) It is further submitted that mere statement in chief examination, without any supporting material, is not sufficient to invoke Section 319 CrPC, as held in various judgments of the Hon'ble Supreme Court and the Hon'ble Madras High Court.

In the present case:

(a) No mention in complaint **(b)** No mention in medical records and **(c)** No material in investigation. Hence, there is no legally acceptable evidence against Bharath. Therefore, the present petition is liable to be dismissed.

ORDER

(3) Heard both sides.

(3.1) This petition has been filed under Section 319 CrPC seeking to implead one Bharath as an additional accused. Upon consideration of the petition, counter, and materials available on record, this Court finds as follows:

(3.2) The name of the proposed accused Bharath is not found in the original original report given to the police the report is contains only "பரத் என்பவர் எனது கணவரை தள்ளினார்" The Accident Register maintained by the Doctor, which is a contemporaneous document, also does not disclose the involvement of Bharath. Accident register only contains place on injury due to assault by known person near karumathampatti. The Investigating Officer, after thorough investigation, has filed the final report only against the existing accused, and no material has been collected against Bharath.

(3.3) The only basis for the present petition is the statement made during chief examination, which appears to be an improvement over the earlier version. As per the law laid down by the Hon'ble Supreme Court in Hardeep Singh v. State of Punjab, AIR 2014 SUPREME COURT 1400, the power under Section 319 CrPC can be exercised only when there is strong and cogent evidence. In the present case, such strong and convincing evidence is absent.

(3.4) Therefore, this Court is of the considered view that the petitioner has failed to make out a case for invoking Section 319 CrPC. Accordingly, this petition is dismissed. Dictated by me to the typist and typed by her directly in the computer and after effecting necessary corrections pronounced by me in the open Court on this the 06th day of April 2026.

(Sd/-T.Arunkumar)

Judicial Magistrate,

Sulur.

Petitioner side witness: - Nil

Petitioner side list of Documents: - Nil

Respondent side witness: - Nil.

Respondent side documents: - Nil.

Judicial Magistrate,

Sulur.