

IN THE ADDITIONAL MAHILA COURT, PERAMBALUR

Present : Tmt.G.Reshma, B.Sc., B.L.,

Judicial Magistrate,

Additional Mahila Court, Perambalur.

Monday, this the 16th day of March, 2026

CC No. 72/2017 in CrI.M.P.No. 3010/2022

Chellakannu, (Age 25)
S/o.Subrayan,
Colony street,
Kolakanatham Village,
Alathur Taluk,
Perambalur District.

- Petitioner/Accused

/Vs/

Chinnatham, (Age 60)
W/o. Rave,
Colony Street,
Thavuthaikulam Village,
Ariyalur Taluk and District.

-Respondent/Accused

The State rep. by
The Sub Inspector of Police,
Maruvathur police station,
Cr.No.107/2014.

- Respondent/Complainant

This Petition coming on 16.03.2026 before me for final hearing in the presence of Thiru. Kathir.Kanagaraj, learned Counsel for the Petitioner and the presence of Thiru. S.Senthilkumar, learned Counsel for the Respondent/Accused and the learned Additional Public Prosecutor appearing for the State having arguments of both parties, perusing the Records and having stood over for consideration till this day, this Court delivers the following..

ORDER

1. This case is taken up for consideration of the petition filed by the defacto complainant under Section 319 of the Code of Criminal Procedure seeking to array a new person as additional accused.

2. The records reveal that during the course of trial, the defacto complainant was examined as PW1. Thereafter, the defacto complainant filed the present petition under Section 319 CrPC to implead a new accused stating that the said person has also participated in the commission of the offence.

3. The learned Assistant Public Prosecutor filed a counter stating that in a State prosecution the case is conducted by the prosecution and the defacto complainant has no independent right to file such a petition and therefore the petition is not maintainable.

4. The accused also filed a counter strongly objecting to the petition and prayed for its dismissal.

5. Heard the submissions made by the learned Assistant Public Prosecutor, the defacto complainant and the learned counsel for the accused. Perused the records. Section 319 CrPC empowers the Court to proceed against any person not being the accused who appears to have committed any offence based on the evidence recorded during trial. The power under this provision can be exercised at any stage after commencement of evidence and before conclusion of trial if the Court is satisfied that such person has also committed the offence.

6. The Hon'ble Supreme Court in Hardeep Singh v. State of Punjab has held that the power under Section 319 Cr.P.C is an extraordinary power and should be exercised only when strong and cogent evidence emerges during trial against the proposed accused.

7. Further, the Hon'ble Supreme Court in Asim Akhtar v. State of West Bengal observed that the complainant has only a limited role in a State prosecution and cannot insist on the manner in which such application should be considered, and the discretion lies with the trial court to decide the application based on the evidence available on record.

8. It is also settled that while invoking Section 319 Cr.P.C the Court must be satisfied that more than a prima facie case is made out from the evidence against the proposed accused.

9. In the present case, except the interested testimony of PW1, no other material evidence is available on record at this stage indicating the involvement of the proposed accused in the alleged occurrence. The evidence available on record does not disclose the strong and cogent material required for invoking the extraordinary power under Section 319 CrPC.

10. Accordingly, the petition filed under Section 319 Cr.P.C is dismissed.

Directly dictated to the Steno-Typist and typed by her, corrected and pronounced by me in the Open Court, on this, the 16th day of March, 2026.

Judicial Magistrate,
Additional Mahila Court,
Perambalur.