

BEFORE THE II ADDITIONAL DISTRICT AND SESSIONS COURT,
ARAKKONAM, RANIPET DISTRICT.

Present: Tmt.K.S.Jayamangalam, M.L.,
II Additional District and Sessions Judge,
Arakkonam.

Friday the 27th day of March 2026.

CrI.M.P.No.40/2026 in S.C.No.108/2025

A.Veni Sri

W/o Late.S.Chakaravarthy

...Petitioner/De-facto complainant

/vs/

1. The State represented by

Inspector of Police,

Sholinghur P.S.

Cr.No.222/2025

...1st Respondent/Complainant

2. Prabhu

3. Duraimurugan

4. Madhavan

5. Gajapathy Varma

6. Sankar

...Respondents 2 to 6/A1 to A5

This petition is coming before me for hearing today in the presence of Thiruvalargal Y.C.Raghuramaraju & V.Subramani Learned counsel for the Petitioner and the Learned Additional Public Prosecutor for the 1st respondent and considering that after hearing both sides, this court delivered the following:

ORDER

The petitioner is the de-facto complainant filed this petition under section 339 of BNSS Act 2023 to grant permission to the petitioner/de-facto complainant to assist the prosecution through her counsel in the conduct of the trial in S.C.No.108/2025 and to direct the Registry of this court to furnish certified copies of the discharge petition and accompanying documents filed by the accused A4 and A5 to the petitioner forthwith.

2. Brief of petition:-

(i) The petitioner/de-facto complainant is the wife of the deceased Advocate Chakaravarthy. A case was registered in Cr.No.222/2025 on the file of Sholinghur Police Station. After completion of investigation, charge sheet was filed and the case was taken on file as P.R.C.No.46/2025 by the Learned Judicial Magistrate, Sholinghur and subsequently committed to the court of sessions wherein it has been numbered as S.C.No.108/2025 and pending for trial. The petitioner's husband was brutally murdered in a pre-planned and cold-blooded manner on the night of 11.06.2025. The First Information report was registered under section 194(1) of BNSS Act 2023 under the guise of a road accident. After investigation and detailed confession statement of the accused A2 revealed a deep-rooted criminal conspiracy to eliminate the petitioner's husband. Further the petitioner came to know that the accused A4 and A5 have filed a petition under section 250 of BNSS Act 2023 seeking to discharge from the array of accused in this heinous crime. The petitioner being the victim as defined under the Sanhita and the person most aggrieved by the murder of her husband, has a profound and direct interest in the just and fair prosecution of this case. Section 339

of BNSS Act 2023 explicitly provides for the right of the victim to engage an Advocate of their choice to assist the prosecution, with the permission of the court. The assistance of the petitioner's counsel is imperative to bring forth the gravity of the conspiracy and the aggravating circumstances of the crime, which the Learned Public Prosecutor owing to a heavy caseload, may not be able to fully elaborate upon. The confession statement of A2 recorded on 14.06.2025 unequivocally implicates the accused A4 and A5 in the criminal conspiracy. They were not mere spectators but active instigators who motivated the other accused by stating "Today Seenu's soul will find peace. Be brave and shoot the advocate. We will handle the police and court matters". This demonstrates their direct involvement and a meeting of minds which is the essence of conspiracy. The complexity of the case, which was initially camouflaged as a road accident, necessitates the active participation of the de-facto complainant to ensure that all facts of the crime are brought before this court. The right of victim to be heard and participate in criminal proceedings is a fundamental tenet of the principles of natural justice and has been consistently upheld by the Hon'ble Supreme court of India and various High courts. Allowing this petition would be in furtherance of a fair, transparent and comprehensive trial ensuring that justice is not only done but is also seen to be done. In order to effectively assist the Learned Public Prosecutor and to make submissions opposing the discharge petitions filed by the accused A4 and A5 it is just and necessary for the petitioner to be provided with certified copies of the said petitions and the documents filed in support thereof. If the present petition is allowed, no prejudice will be caused to the accused or the prosecution. The petitioner undertakes to act in aid of the Learned Public Prosecutor and will not cause

any delay or impediment to the swift conduct of the trial. Therefore, this court may be pleased to grant permission to the petitioner/de-facto complainant to assist the prosecution through her counsel in the conduct of the trial in S.C.No.108/2025 and to direct the Registry of this court to furnish certified copies of the discharge petition and accompanying documents filed by the accused A4 and A5 to the petitioner forthwith.

3. Counter filed by the prosecution:-

The present sessions case arises out of Cr.No.222/2025 registered on the file of Sholinghur police station relating to the death of one S.Chakaravarthy a practicing Advocate. Initially, based on the information received and the circumstances surrounding the occurrence the incident appeared to be a road accident and the case was registered accordingly. During the course of investigation, several materials were collected which revealed that the death of the said S.Chakaravarthy was not accidental in nature but was the result of a planned criminal act. After conducting a detailed investigation and collecting the necessary evidence, the Investigating Officer filed a final report before the Judicial Magistrate, Sholinghur and the same was taken on file as P.R.C.No.46/2025. Since the offences involved are triable exclusively by a court of sessions, hence the case was committed to the court of sessions and the same was taken on file as S.C.No.108/2025 which is pending for trial. During investigation, the accused persons had acted together and in furtherance of a criminal conspiracy which resulted in the death of the deceased. The prosecution case is supported by the statement of witnesses recorded during investigation, recovery of material objects connected with the occurrence,

technical and electronic evidence and other materials collected by the Investigating Officer. Based on the materials collected during investigation a prima-facie case has been made out against the accused persons showing their involvement in the commission of the offence and therefore the case is required to be proceeded in accordance with law. The accused A4 and A5 have filed discharge petition u/s 250 of BNSS Act 2023 and the same is pending before this court. The said discharge petition is liable to be opposed as there are sufficient prima-facie materials available on record connecting the said accused persons with the commission of the offence. Though Section 339 of the BNSS 2023, permits a victim to engage an Advocate to assist the prosecution with the permission of the court, the said provision does not confer any independent right on the victim to participate in the prosecution proceedings in a manner that may interfere with the conduct of the prosecution by the Public Prosecutor. The prosecution is already being effectively conducted by the Learned Public Prosecutor based on the materials collected during the course of investigation and there is no necessity for permitting any private counsel to intervene in the proceedings. The request made by the petitioner seeking copies of the discharge petition filed by the accused persons is unnecessary and not warranted at this stage, as the prosecution is competent to oppose the said discharge petition before this court. If allowing the present petition may unnecessarily complicate the proceedings and may lead to delay in the conduct of the trial which would not be in the interest of justice. Therefore, the petition filed by the petitioner is devoid of merits and is liable to be dismissed.

4. **The point for consideration:-**

1) Whether the petition is to be allowed or not?

5. The petitioner is the de-facto complainant filed this petition seeking leave of this court to assist the prosecution through her counsels in conducting the trial in S.C.No.108/2025. The petitioner is the wife of deceased Advocate Chakaravathy and she is the de-facto complainant in the present case and based on her complaint a case was registered in Cr.No.222/2025 on the file of Sholinghur Police Station. After completion of the investigation, charge sheet was filed and the case was taken on file as P.R.C.No.46/2025 by the Judicial Magistrate, Sholinghur and thereafter committed to the court of sessions and now it is pending for framing of charges. The petitioner's husband was a practicing Advocate and he was brutally murdered in a pre-planned and cold-blooded manner on the night of 11.06.2025. Initially a case was registered u/s 194(1) of BNSS Act 2023. Subsequently, based on the confession of the co-accused A2 the criminal conspiracy came to lime light. The Accused A4 and A5 filed discharge petition to exonerate from the above said crime. Being the victim and the person most aggrieved to exercise her right of victim she has engaged counsels to assist the prosecution. Therefore, the assistance of the petitioner's counsel is very much essential to assist the prosecution. The confession statement of A2 unequivocally implicates A4 and A5 in the criminal conspiracy. They were not mere spectators but active instigators who motivated the other accused by stating "Today Seenu's soul will find peace. Be brave and shoot the Advocate. We will handle the police and court matters" this would demonstrate their direct involvement and meeting

of minds which is the essence of conspiracy. Unless the leave is granted her counsels cannot effectively assist the prosecution. Initially the case was registered as a road accident which necessitates the active participation of de-facto complainant to ensure that all the facets of the crime are brought before this court. The petitioner's assistance will aid in preventing any potential miscarriage of justice and will ensure that the individuals who conspired and abetted this crime are brought to book. The right of the victim to be heard and to participate in criminal proceedings is a fundamental principles of natural justice. In order to effectively assist the Learned Additional Public Prosecutor and to make submissions opposing the discharge petitions and other petition filed by the accused it is just and necessary for the petitioner to be allowed to assist the prosecution. If the present petition is allowed, no prejudice will be caused either to the accused or to the prosecution.

6. By way of reply, the Learned Additional Public Prosecutor has argued that the present case has been filed arising out of the crime No.222/2025 registered on the file of Sholinghur Police Station relating to the death of one S.Chakaravarthy a practicing Advocate based on the information received and the surrounding circumstances the incident appeared to be a road accident and the case was registered. During the course of investigation based on the materials collected which revealed that the death of the said Chakaravarthy was not accident but it was the result of a pre-planned murder. After due investigation the case has been committed to the court of sessions and now the charges are yet to be framed against the accused. The investigation reveal that the accused A1 to A5 had acted

together in furtherance of criminal conspiracy which resulted in the death of the deceased. The prosecution has relied statement of witnesses, material objects, connected with the occurrence, technical and electronic evidence and other materials . The discharge petition filed by the accused A4 and A5 is still pending before this court. The provision u/s 339 of BNSS Act 2023 does not confer any independent right on the victim to participate in the prosecution proceedings in a manner that may interfere with the conduct of the prosecution. The prosecution is already being effectively conducted by the Public Prosecutor based on the materials collected during the course of investigation therefore, getting the assistance of private counsel is not at all required. As the prosecution is competent to oppose the discharge petition allowing the present petition may unnecessarily complicate the proceeding therefore the present petition is devoid of merits and is liable to be dismissed.

7. After hearing the arguments of both sides, the petitioner is the de-facto complainant and wife of the deceased Tr.S.Chakaravarthy who was a practicing Advocate. Based on the complaint given by the de-facto complainant the law was set into motion and case in Cr.No.222/2025 was filed. The occurrence was taken place on the highways nearby the house of the deceased. Initially the FIR was lodged as a road accident and after a thorough investigation they found out that the petitioner's husband was brutally murdered in a pre-planned and cold-blooded manner on the night of 11.06.2025. The accused A2 given confession regarding the criminal conspiracy. The accused A4 and A5 filed discharge petition and the same has to be objected by her. The accused A2 confession implicates A4 and A5

in the criminal conspiracy. The petitioner has got a right to participate in the criminal proceedings. If the permission is given to her it will not prejudice the right of the accused in any manner. The Learned Additional Public Prosecutor has filed a detailed counter stating that the right envisaged u/s 339 of BNSS Act 2023 does not confer any independent right of the victim to participate in the prosecution proceedings in a manner that may interfere with the conduct of the prosecution by the public prosecutor. The prosecution is already been effectively represented by the Learned Public Prosecutor based on the available materials. Therefore there is no necessity to get the assistance from the private counsels. If the present petition is allowed the prosecution will be put to great loss and hardship. The petitioner is the de-facto complainant seeking leave of this court to be represented in the above case through her counsels in conducting the trial in S.C.No.108/2025. No doubt the petitioner is de-facto complainant and based on the complaint a case was registered against the accused 1 to 5 u/s 61(2), 103(1), 49 of BNS Act and section 25(1AA), 25(1A) of Arms Act. The accused A4 and A5 filed discharge petition in C.MP.No.15/2026 and the same was dismissed on merits on 18.03.2026. Today, the accused A3 has filed a discharge petition. The accused 1 to 3 were produced on 14.11.2025 and they were kept on seeking time to engage their counsels one after another finally on 09.01.2026 this court closed the opportunity of the accused to be heard before framing the charges and posted for framing charges at that juncture the accused A4 and A5 filed a discharge petition. The petitioner has sought the permission of this court to be heard in the above case since her husband was brutally murdered by the accused by executing their criminal conspiracy. The petitioner wanted to assist the

prosecution with the aid of her counsels. Unless, leave is granted she will be put to great loss and hardship and the accused will not be prejudiced in any manner. The petitioner cannot directly cross-examine the prosecution witnesses and she can give her assistance to the public prosecutor in conducting the criminal trial. The petitioner shall file her written-arguments in the above case and she can very well object the petition filed by the accused through her counsel. In view of the above discussion the present petition is liable to be allowed.

In the result, this petition is allowed.

Dictated by me to the Steno-Typist, typed by her directly to my dictation in computer and print taken out and corrected and pronounced by me in open court, this the 27th day of March 2026.

II Additional District & Sessions Judge,
Arakkonam.