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CRL A No. 990 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL A No. 990 of 2026

AND

CRL MP NO. 14783 OF 2026

Raja
S/o. Duraisamy,
No.6/9, Kavanoor Street,
Chenangarani Village,
Choolaimeni Post, Uthukottai Taluk,
Tiruvallur.

..Appellant(s)

Vs

1. The State Rep. by,
The Deputy Superintendent of Police
All Women Police Station,
Puttur-Satyavedu Road, Uthukottai,
Tiruvallur District-602 026.
2. State of Tamil Nadu
Rep by the Inspector of Police,
All Women Police Station,
Uthukottai, Tiruvallur District-602 026.
3. Neelavathy
W/o. Nagaraj,
Perumal Kovil Street,
Choolaimeni Post,
Thannikulam Village, Uthukottai Taluk,
Tiruvallur.

..Respondent(s)

Prayer: Criminal Appeal filed under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, praying to call for the records vis-a-vis M.P.No.5 of 2026 in S.C.No.137 of 2025 on the file of the learned Principal District and Sessions Judge, Tiruvallur and set aside the order



dated 31.07.2026 passed in M.P.No.5 of 2026 in S.C.No.137 of 2025 and further direct further investigation.

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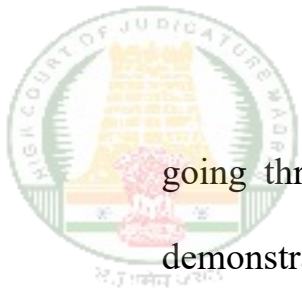
For Appellant(s): Mr.S.Haja Mohideen Gisthi

For Respondents-1 & 2: Mrs.Sharada Vivek,
Counsel for Government of Tamilnadu (Crl. Side)
Assisted by Mr.M.Arul Raj

JUDGMENT

The appellant/accused in S.C.No.137 of 2025 for offence under Sections 64, 87 and 115(2) of BNS, 2023 r/w Sections 3(1)(w)(i), 3(1)(w)(ii) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, had filed a petition under Section 193(9) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 with a prayer that the trial Court to direct further investigation preferably by an officer not below the rank of Deputy Superintendent of Police, who has not participated in the original investigation. The Trial Court, by the impugned order dated 31.07.2026, dismissed the same, against which the present appeal is filed.

2.The contention of the learned counsel for appellant is that the appellant has been falsely implicated in this case. To put forth his defence, the appellant cross-examined PW1, PW2/victim, PW3, PW4, PW5, PW7, PW10, PW13, PW19 and PW22. He had also examined the defence witnesses, DW4 and DW6, who confirmed the appellant's version. He further submitted that on



going through the cumulative evidence of the above witnesses, it would be demonstrated that several important aspects remained uninvestigated. Hence, the appellant filed this petition, not seeking a fresh or *de novo* investigation or reopening of the entire prosecution case, but only a limited further investigation into the specific omissions disclosed during the trial, so as to enable the Trial Court to adjudicate the Sessions Case on the basis of a complete and fair investigation, rather than the investigation which has been projected before the trial Court and the evidence so far adduced.

3. In support of his contention, the learned counsel for appellant relied upon the judgment of the Hon'ble Apex Court in the case of ***Vinubhai Haribhai Malaviya and Others vs. State of Gujarat and Another*** reported in (2019) 17 SCC 1 and further, he relied upon the judgment of this Court in CrI.R.C.No.1476 of 2023 in the case of ***Madhu Gulrajani vs. State and Another***.

4. The learned counsel for Government of Tamilnadu opposed the appellant's contention and submitted that the appellant cross-examined the witnesses in detail running to several days. Now the appellant had been questioned under Section 313 Cr.P.C. During questioning under Section 313 Cr.P.C., the appellant simply denied the allegations. Further submitted that the prosecution completed the arguments and the case was posted for arguments on



the defence side. At that stage, this petition was filed on 03.08.2026. When the case was posted for arguments on 11.08.2026, at that time, citing the pendency of the above appeal, the appellant sought adjournment and the case is now posted on 14.08.2026 for arguments. The appellant had been dragging on the proceedings right from the initial stage and this is one such incident. He further submitted that the Trial Court considered the appellant's contention and answered that the points raised by the appellant in his defence lacked merit, as an accused has no right to file such a petition, hence, the same is dismissed.

5.The learned counsel for Government of Tamilnadu further submitted that the facts of the above referred cases would not be applicable to the facts of the present case. With regard to *Vinubhai Haribhai Malaviya* case, referring to paragraph 44 submitted that the Apex Court had given an approval citing the case in *Romila Thapar vs. Union of India* reported in *(2018) 10 SCC 753*, wherein it was clearly held that an accused cannot ask to change an investigating agency, or to require that an investigation be done in a particular manner, including asking for a Court-monitored investigation. Further, with regard to Crl.R.C.No.1476 of 2023, he submitted that in that case the Trial Court acceded the prayer of the accused and granted further investigation, which this Court reversed, following the Apex Court judgment.



6. At this stage, the learned counsel for appellant relied upon the decision of the Hon'ble Apex Court in the case of ***Kallu Nat Alias Mayank Kumar Nagar vs. State of U.P. and Another***, for the proposition that once the Court takes cognizance of the offence, it becomes the Court's duty to find out the real offenders and if it comes to the conclusion that besides the persons put up for trial by the police some others are also involved in the commission of the crime, it is the Court's duty to summon them to stand trial along with those already named, invoking Section 319(4)(b) of Cr.P.C.

7. On the other hand, the learned counsel for Government of Tamilnadu submitted that the facts of the above case would not be applicable to the present case, since in that case, persons, who had not named in the charge sheet, were summoned by the trial Court invoking Section 193 Cr.P.C., which was challenged before the High Court and High Court dismissed the same, against which, they approached the Hon'ble Apex Court. At that stage, the case was at a different stage of proceedings. In the said circumstances, the Hon'ble Apex Court observed that during the trial, if the power under Section 319 Cr.P.C. could be invoked, the same would be governed by the principle enunciated in the case of ***Hardeep Singh vs. State of Punjab***. Hence, there is no quarrel on it. As far as the present case is concerned, it is at the stage of defence side arguments. The present petition is filed by the accused at the penultimate stage.



8. Considering the submissions made on either side and on perusal of the materials, this Court finds the appellant/accused, who is facing trial at the penultimate stage, files a petition seeking further investigation. The points raised by the appellant are his defence in the trial, which he has clearly put to the witnesses in cross-examination. Further, the Hon'ble Apex Court has clearly held, accused in a case has no right to file a petition seeking further investigation. Further, filing of petition to add some more person as accused invoking Section 319 Cr.P.C. will not arise on the facts of the above case. Hence, this Court finds no merit in the above appeal and the same is dismissed. Consequently, the connected Criminal Miscellaneous Petition is closed.

13-08-2026

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



To

1. The Principal District and Sessions Judge,
Tiruvallur.
2. The Deputy Superintendent of Police
All Women Police Station,
Puttur-Satyavedu Road, Uthukottai,
Tiruvallur District-602 026.
3. The Inspector of Police
All Women Police Station,
Uthukottai, Tiruvallur District-602 026.
4. The Public Prosecutor,
High Court, Madras.

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M.NIRMAL KUMAR J.

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