

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.16271 of 2015

V.Muniyandi

... Petitioner

Vs

The State of Tamil Nadu,
The Inspector of Police,
CCB Team IX,
Vepery, Chennai-7.

... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondent to conduct further investigation and to implead Mrs.Geetha wife of Vijayakumar as an accused in C.C.No.1644 of 2015 and to seize the properties which stands in the name of his wife and to take all other steps to recover the amount cheated by the accused Mr.Vijayakumar.

For Petitioner : Mrs.Selvi George

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondent to conduct further investigation and to implead Geetha, W/o.Vijayakumar as an accused in C.C.No.1644 of 2015 and to seize the properties which stands in the name of his wife and to take all other steps to recover the amount cheated by the accused Vijayakumar.

2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor appearing for the respondent and perused the materials placed on record.

3. This petition has been filed by the petitioner, as one of the victims in Crime No.432 of 2011, for further investigation of the case. It is seen that police have completed the investigation in Crime No.432 of 2011 and a Final Report has been filed before the learned XI Metropolitan Magistrate, Saidapet and the same has been taken on file as CC.No.1644 of 2015.

4. It is the grievance of the petitioner that, police have not been showing alacrity in the investigation of the case and they have not recovered the money that was duped by the accused. It is also alleged that they have left out one Geetha, who is the wife of Vijayakumar [A1] from the array of the accused.

5. This Court carefully perused the Final Report and found that, this is not a fit case to order further investigation at this stage, because, such an order will only go to the advantage of the accused. Now the matter is seized of by the XI Metropolitan Magistrate, Saidapet who is directed to expeditiously conduct the trial in this case.

6. It is also represented that the accused are not appearing before the Trial Court. If that is so, the Trial Court is directed to take coercive steps for enforcing the attendance of the accused before it. During the course of the trial, if evidence surfaces against Geetha, the Trial Court is at liberty to invoke Section 319 Cr.P.C and array her as an accused.

7. With the above observation, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gya

To

1.The Inspector of Police,
CCB Team IX,
Vepery, Chennai-7.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mrs.Selvi George, Advocate, S.R.No.32824

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NM(CO)
CA(08/07/2015)