

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.10.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.22597 of 2015

V.S.N.Teeka Raman

.. Petitioner

Vs

1.State rep by
The Inspector of Police,
District Crime Branch,
North Police Station,
Vellore.

2.Mithun Mandal

3.Sabikul Islam

4.Mohamed Firose @ Biroj Aalam

.. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in CC.No.40 of 2012 on the file of the Judicial Magistrate No.IV, Vellore in Crime No.463 of 2011 investigated by the respondent police and direct any other competent person/agency to investigate and file a further final report.

For Petitioner : Mr.K.P.Anantha Krishna

For Respondents : Mr.C.Emalias, APP [for R1]

O R D E R

This petition has been filed to direct any other agency to investigate and file a final report in Crime No.463 of 2011 on the file of the 1st respondent herein.

2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor for the 1st respondent and perused the materials placed on record.

3. It is the case of the petitioner that, the investigation in this case has been conducted very perfunctorily and for the purpose of statistics, the police have filed the final report without earnestly going behind the accused for recovery of the stolen goods.

4. The respondent police have filed a Status Report, wherein, they have detailed the steps taken by them for apprehending the accused and for recovery of the jewels. It is seen that Mithun Mandal [A1], Sabikul Islam [A2] and Mohamed Firose @ Biroj Aalam [A3] in this case were already arrested by Dharmapuri Town Police Station in Crime No.785 of 2012 for offences under Section 397 IPC and Section 27 of Indian Arms Act and 5 of the Explosive and Substance Act and they were placed under formal arrest in this case and custody was taken by the respondent police for the purpose of investigation.

5. It is seen that, the accused are gang of professional dacoits hailing from North India and they have committed offences of dacoity in several places in Tamil Nadu, until they were apprehended by the Dharmapuri Town Police. In the case of this nature, the police cannot be expected to do anything more. However, learned counsel for the petitioner brought to the attention of this Court paragraph No.5 of the Status Report, wherein, it is stated as follows:

"5. It is submitted that during the course of investigation, the Finger Print Expert, Tr.Dhananchezhian, Deputy Superintendent of Police, Single Digit Finger Print Bureau, Vellore and party visited the scene after elimination 9 prints were identify for foreign prints. Dog squad was utilized. Scientific Assistant Tr.Pari visited the scene of occurrence. On suspicion that other state occupants of Balaji Bhavan Annexure might have indulged and escaped."

6. Learned counsel for the petitioner submitted that the said Dhananchezhian has not even been included in the memo of evidence.

7. This Court directs the learned Judicial Magistrate-IV, Vellore to look into this aspect and suo moto include the said Dhananchezhian as a prosecution witness under Section 311 Cr.P.C, if it is found that his evidence will be necessary for the just decision of the case.

In view of the above, no further directions require to be given in this petition and hence, this petition is closed.

sd/
ASSISTANT REGISTRAR (CS-II)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

gya

To

1. THE JUDICIAL MAGISTRATE,
NO. IV, VELLORE

2. -do-Thro' THE CHIEF JUDICIAL MAGISTRATE,
VELLORE

3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
NORTH POLICE STATION,
VELLORE.

4. THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to MR.K.P.Anantha Krishna Advocate. SR.NO.57785

CRL.OP.No.22597 of 2015

CO-AP
JD 29/10/2015



WEB COPY