

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.23064 of 2015
and M.P.No.1 of 2015

Thangaraj .. Petitioner

Vs

1.The State Rep. by
The Inspector of Police,
Nagarasampatti Police Station
Krishnagiri District.

2. Ponni
3.Udhayakumar
4.Velmani
5.Ashok Kumar
6.Kumar
7.Karthick

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the 1st respondent police to conduct further investigation in connection with the C.C.No.122/2014 and file additional report before the learned District Munsif cum Judicial Magistrate, Pochampalli, Krishnagiri District.

For Petitioner : Mr.E.Kannadasan

For Respondents : Mr.C.Emalias [R1]
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the first respondent police to conduct further investigation in connection with the C.C.No.122 of 2014 and file additional report before the learned District Munsif cum Judicial Magistrate, Pochampalli, Krishnagiri District.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

3. On a complaint lodged by Thangaraj (defacto-complainant / petitioner herein), the respondent Police registered a case in Crime No.89 of 2014 on 17.03.2014 under Sections 294(b), 323, 324, 506(ii) IPC., against 1) Ponni, 2)

Udhayakumar, 3)Velmani. It is the case of the petitioner that, the aforesaid three accused attacked the petitioner on 16.03.2014, at around 7.00 a.m in the morning, on account of previous motive. Even in the complaint given by the petitioner, he has referred to the role played by one Ashok Kumar, Kumar and Karthick in the said incident. Despite this, the said Ashok Kumar, Kumar and Karthick were not included in the FIR., Now, it appears that the police have completed the investigation in Crime No.89 of 2014 and they have filed the final report in C.C.No.122 of 2014 before the learned District Munsif cum Judicial Magistrate, Pochampalli, Krishnagiri District, only against Ponni, Udhayakumar and Velmani, leaving out Ashok Kumar, Kumar and Karthick.

4. It is also seen that, this petitioner is an accused in Crime No.88 of 2014, in which investigation has been completed and final report has been filed in P.R.C.No.18 of 2015. Since the name of Ashok Kumar, Kumar and Karthick finds place even in the complaint given by the petitioner and 161 Cr.P.C., statement of the petitioner, it will be in the fitness of things, if liberty is given to this petitioner to file a protest application. Therefore, liberty is given to the petitioner to file protest application within two weeks from the date of receipt of a copy of this order.

5. The learned Additional Public Prosecutor brought to the notice of this Court that except the petitioner/defacto-complainant, no one else has spoken about either the presence or involvement of Ashok Kumar, Kumar and Karthick in the said incident.

6. The learned District Munsif cum Judicial Magistrate, Pochampalli, Krishnagiri may bear all these aspects in mind and pass suitable orders in the protest application, after hearing the Police in accordance with law as laid down by the Hon'ble Supreme Court in Vinay Tyagi v. Irshad Ali (2013 (5) SCC 762).

With the above directions, this Criminal Original Petition is closed. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

ds

To:

1.The Inspector of Police,
Nagarasampatti Police Station
Krishnagiri District.

2.The District Munsif cum Judicial Magistrate,
Pochampalli,
Krishnagiri.

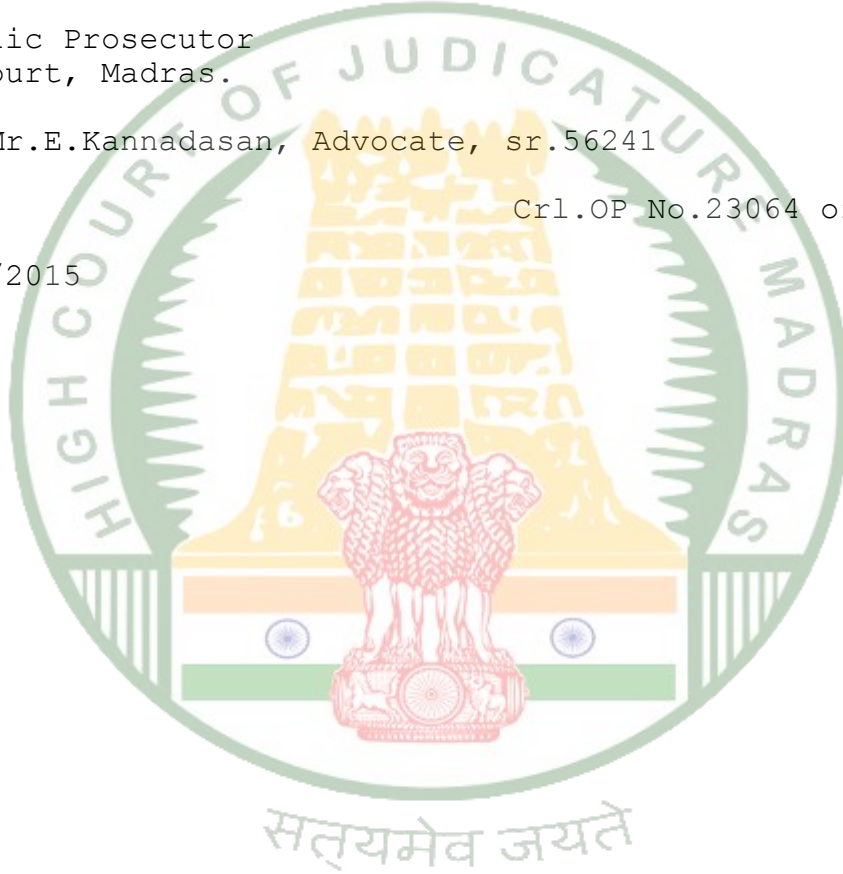
3.The Chief Judicial Magistrate,
Krishnagiri.

4.The Public Prosecutor
High Court, Madras.

+1 cc to Mr.E.Kannadasan, Advocate, sr.56241

Cr1.OP No.23064 of 2015

gj co
kra 04/11/2015



WEB COPY