

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.10.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.No.24505 of 2015

Ms. Ranjitha

.. Petitioner

Vs

State rep. by

The Deputy Superintendent of Police,
Organised Crime Unit
Crime Branch CID,
Chennai 600 032.

.. Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct the respondent to conduct further investigation in C.C.No.2068 of 2015 on the file of XI Metropolitan Magistrate, Saidapet, Chennai and file supplementary report.

For Petitioners : Mr.R. Rajarathinam

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

O R D E R

This Criminal Original petition has been filed to direct the respondent to conduct further investigation in C.C.No.2068 of 2015 on the file of XI Metropolitan Magistrate, Saidapet, Chennai and file supplementary report.

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

3. It is seen that on a complaint dated 11.07.2011, the respondent police have registered a case in Crime No.782 of 2011 and after completing the investigation, final report has also been filed in C.C.No.2068 of 2015 against eight accused before the XI Metropolitan Magistrate Court, Saidapet, Chennai, for the offences under Sections 341, 342, 392, 323, 420 and 506(2) IPC r/w 120-B, 384, 385, 386, 392, 342 and 109 r/w 385 IPC U/s 67 r/w 67A Information Technology Act, 2000 and U/s 4 of T.N.Prohibition of harassment of Women Act 1998 and U/s. 3,4 R/w 6 of Indecent Representation of Women (Prohibition) Act 1986.

4. The defacto-complainant is before this Court with a grievance that the police have left out two persons in the final report and hence, he has come forward with this petition for a direction for further investigation.

5. It is further seen that the matter is now seized before the trial Court and it is always open to the trial Court to go through the entire final report along with accompanying documents and if the trial Court finds that the police have left out some persons as accused, the trial Court has power to summon them at the stage of taking cognizance. That apart, he stated that if offence surfaces during the course of trial, then, at that stage also, the trial Court can invoke Section 319 Cr.P.C and implead persons as accused.

6. Therefore, this petition is closed with a direction to the trial Court to go through the entire final report and accompanying documents and if it finds that some persons have been left out from the array of accused, it is open to the trial Court to issue process to such persons. That apart, it is also open to the trial Court to invoke its provisions under Section 319 Cr.P.C, if offences appear during the course of trial against the said persons.

7. With the above said observations, the criminal original petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

sms
To

1.The XI Metropolitan Magistrate, Saidapet, Chennai.

2.-do-Thro'The Commissioner, Egmore, Chennai.

3.The Deputy Superintendent of Police,
Organised Crime Unit
Crime Branch CID,
Chennai 600 032.

4.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.R.Rajarithnam, Advocate, sr.53729

ksj co, kra 13/10