

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2015

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

W.P.No.26240 of 2015

and

M.P.No.1 of 2015

Muthuvenkatraman

...Petitioner

Vs.

1.The Inspector General of Police
Railways, Southern railways
Egmore, Chennai.

2.The Superintendent of Police
Railway Police
Egmore, Chennai.

3.The Deputy Superintendent of Police,
Railways, Camp office
Coimbatore

4.The Inspector of Police
Railways, Erode.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to appoint a new investigating officer to investigate the case afresh and properly.

For Petitioner : Mr.T.Ganesan

For Respondents : Mr.Sanjai Gandhi
Additional Government Pleader

O R D E R

This writ petition has been filed to direct the respondents 1 to 3 to appoint a new investigating officer to investigate the case afresh and properly.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. It is seen that on a complaint given by one C.M.Vijayan, the respondent police registered a case in Crime No.490 of 2012 and after completing the investigation, filed a final report in C.C.No.41 of 2013 before the learned Judicial Magistrate No.II, Erode.

4. The case of the prosecution is that the accused herein are professional thieves, who keep track on people carrying gold by train and follow them by booking seats in the same coach and rob the gold when the passengers are asleep. In this case, from C.M.Vijayan, 400grams of gold valued at Rs.5,00,000/- was stolen by the accused herein.

5. The petitioner claims himself to be the owner of the gold and that, he had sent the gold through his carrier C.M.Vijayan, who lost it at Erode on 06.04.2012 while he was traveling by train from Hyderabad to Thiruvananthapuram. According to the petitioner, the gold was not recovered by the police on account of inefficient investigation.

6. The learned Additional Government Pleader submitted that trial in this case has begun and all the witnesses including this petitioner has been examined. He further submitted that the alleged occurrence took place on 06.04.2012 and the accused were arrested only in the month of December 2012 on account of which, the police were not able to recover the gold.

7. Under such circumstances, the prayer of the petitioner for stopping the trial in C.C.No.41 of 2013 cannot be stopped and further investigation ordered. Under Section 173(8) Cr.P.C. the police always have the power to continue the investigation, if new facts surface, even if the trial had ended. In a case of this nature, no useful purpose will be served by ordering further investigation at this distant point of time, especially when the accused are in jail and that they have given a confession statement that they had disposed of the stolen gold and purchased properties with them. Hence, this writ petition is closed with the aforesaid observations. Consequently, connected miscellaneous petition is closed.

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Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

sms

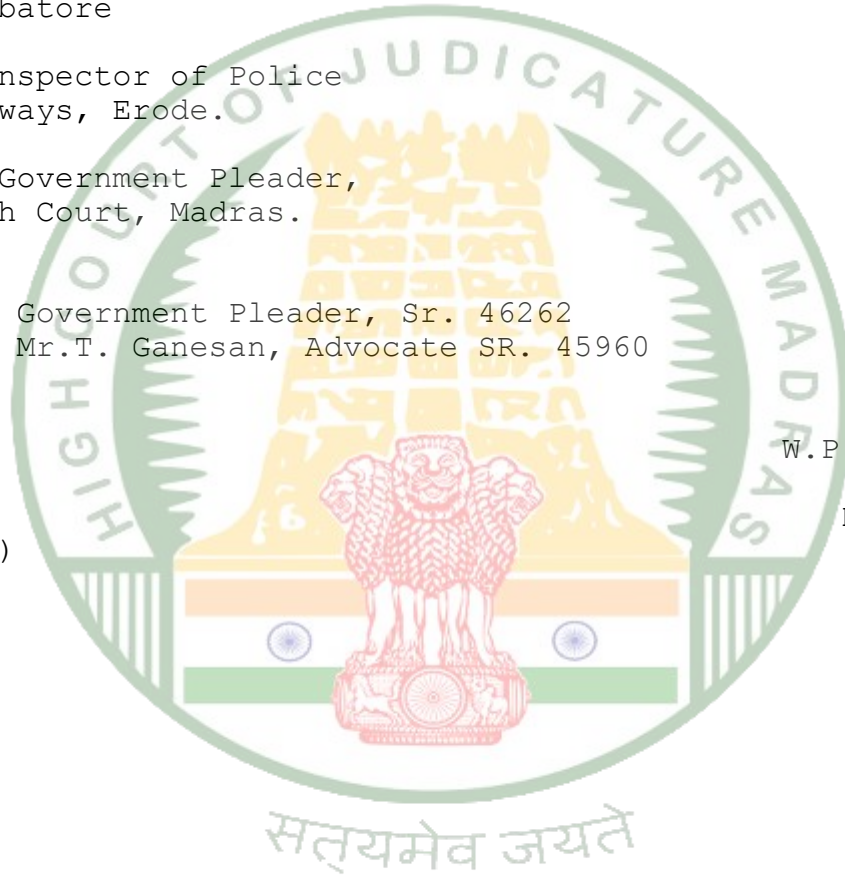
To

- 1.The Inspector General of Police
Railways, Southern railways
Egmore, Chennai.
- 2.The Superintendent of Police
Railway Police
Egmore, Chennai.
- 3.The Deputy Superintendent of Police,
Railways, Camp office
Coimbatore
- 4.The Inspector of Police
Railways, Erode.
5. The Government Pleader,
High Court, Madras.

1 cc to Government Pleader, Sr. 46262
1 cc to Mr.T. Ganesan, Advocate SR. 45960

VSN (CO)
kk /9

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