

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.27132 of 2015
and M.P.No.1 of 2015

P.N.Peruvazhuthi

...Petitioner/Defacto Complainant

Vs

1. The Deputy Superintendent of Police,
Camp Office at Polur,
Polur Taluk,
Thiruvannamalai District - 606 801

2. The Inspector of Police,
Chetpet Police Station,
Chetpet,
Chetpet Taluk,
Thiruvannamalai District 606 801
(Crime No.37/2011)

.... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd respondent police through the 1st respondent to conduct fresh enquiry in Crime No.37 of 2011 dated 10.1.2011 on the file of the 2nd respondent and also to alter or modify the charge in C.C.No.72 of 2012 on the file of the Ist Class Magistrate Court at Polur.

For Petitioner : Mr.G.A.Thiyagrajan

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

O R D E R

The present petition has been filed to direct the 2nd respondent police through the 1st respondent to conduct fresh enquiry in Crime No.37 of 2011 dated 10.1.2011 on the file of

the 2nd respondent and also to alter or modify the charge in C.C.No.72 of 2012 on the file of the Ist Class Magistrate Court at Polur.

2. The petitioner lodged a complaint against one Saravanan and others and the same was registered in Crime No.37 of 2011 for the offence under sections 147, 148, 294(b) and 506(ii) IPC. On completion of investigation, the charge sheet was filed only against two persons in C.C.No.72 of 2012. It is the grievance of the petitioner that though subsequently the petitioner has given the identification of the other persons involved in the case, their names were not included. Hence the petitioner has come forward with the present petition to conduct a fresh enquiry in Crime No.37 of 2011.

3. Learned Additional Public Prosecutor opposed this petition stating that already trial has commenced and it is in part heard stage.

4. Since the charge sheet has already been filed and the trial has commenced and the case is in part heard stage, this Court cannot give a positive direction as sought for by the petitioner. However, the petitioner is at liberty to seek his remedy under section 319 Cr.P.C. before the Court below during the course of trial.

5. The criminal original petition is disposed of accordingly.

Sd/
ASSISTANT REGISTRAR (CS-IV)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

vsi

To

1.The Judicial Magistrate-I,
Polur,

2. The Deputy Superintendent of Police,
Camp Office at Polur,
Polur Taluk,
Thiruvannamalai District - 606 801

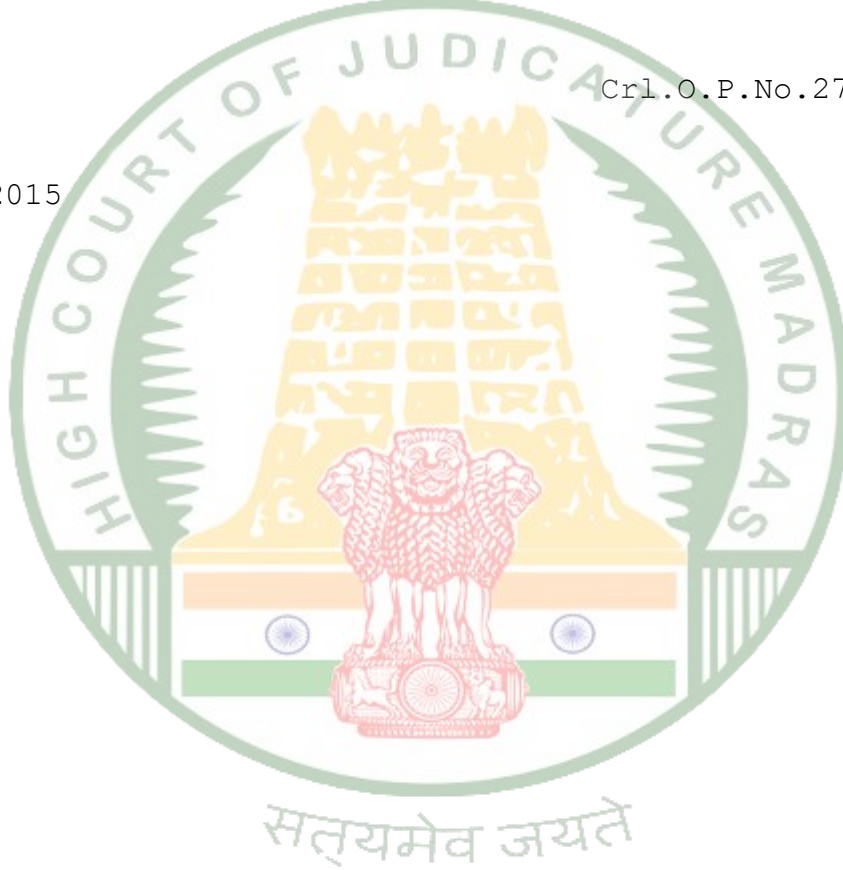
3. The Inspector of Police,
Chetpet Police Station,
Chetpet,
Chetpet Taluk,
Thiruvannamalai District 606 801

4.The Public Prosecutor,
High Court, Madras.

+1 CC to MR.G.A.Thiyagrajan Advocate. SR.NO. 62556

Crl.O.P.No.27132 of 2015

CO-PUR
JD 09/12/2015



WEB COPY