

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.30445 of 2015

Jothi @ Anand Jothi @ Anandajaya Jothi ... Petitioner

Vs

The State represented by
Inspector of Police,
(Law & Order),
Thermal Police Station,
Neyveli.
(Crime No.245/2012).

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.
to direct the respondent police further investigate the case
pending in PRC No.5 of 2013 on the file of Judicial Magistrate,
Neyveli.

For Petitioner : Mr.A.Ansar

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

O R D E R

The present petition has been filed to direct the
respondent police further investigate the case pending in PRC
No.5 of 2013 on the file of Judicial Magistrate, Neyveli.

2. In the petition, it is stated that the petitioner is A5
in PRC No.5 of 2013 on the file of Judicial Magistrate at
Neyveli. The allegation against this petitioner is that he has
involved in committing an offence of attempt to murder of one
Manivarma who is an accused in a murder case. Initially, the
brother of the victim one Dhanakanthan preferred a complaint
against V.T.G.Govindaraj, Anandhajayajothi, Prabhu, Jayaraj,
Paulraj and Manojkumar for having committed an offence under
sections 147, 148, 341, 324 and 307 IPC and the case was
registered in Crime No.245 of 2012 and the FIR disclosed that
the above stated accused had attacked Manivarma, due to which,
he sustained injuries and hospitalised. After investigation, the
name of V.T.G.Govindaraj was deleted and a final report was
filed altering the rank of all the accused and this petitioner
was ranked as A5. It is stated that the final report filed by

the respondent police is based upon the witnesses. When there are eye witnesses to say that the accused, V.T.G.Govindaraj attacked Manivarma and the motive behind is that the said Manivarma murdered the brother of V.T.G.Govindharaj, in the absence of any motive between A5 and the victim, the petitioner has been unnecessarily arrayed as A5 in the final report. Hence, he is come forward with the present petition.

3. When the matter is taken up for consideration, learned Additional Public Prosecutor submitted that already the committal proceedings are over and the case is pending in S.C.No.65/2013 before the Sub-Court, Cuddalore.

4. Since already the committal proceedings are over, this petition cannot be entertained. Further more, I find that the case was numbered in the year 2013 and this petition has been filed after two years. Absolutely, I do not find any merit in this petition. Hence, the criminal original petition stands dismissed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.Inspector of Police,
(Law & Order),
Thermal Police Station,
Neyveli.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Ansar, Advocate, S.R.No.69424

Crl.O.P.No.30445 of 2015

mp(CO)
srg(18/01/2016)

WEB COPY