

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.16730 of 2009

and M.P.No.1 of 2009

C.Ananatharaman

.. Petitioner

Vs

1.The Commissioner of Police
Greater Chennai, Egmore
Chennai 600 008.

2.The Deputy Commissioner of Police
T.Nagar District
T.Nagar, Chennai 600 017.

3.The Inspector of Police
R-8, Vadapalani Police Station
Vadapalani
Chennai 600 026.

4.K.Suriya Narayanan

5.K.Ragavendra @ Ragavendra Rao

6.S.Saravanan

7.A.M.Ravindranath Jeyapaul

.. Respondents

[R4 to R7 impleaded as per order of the Court dated 17.08.2009]

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C.,
to direct the 1st respondent to further investigate in the above case
in Cr.No.1072 of 2008 on the file of the 3rd respondent.

For Petitioner : Mr.Ashok Kumar, Senior Counsel
for Mr.S.Selvanandam
For R1 to R3 : Mr.C.Emalias,
Addl.Public Prosecutor

ORDER

This petition has been filed to direct the 1st respondent to further investigate the case in Cr.No.1072 of 2008 on the file of the 3rd respondent.

2. It is seen that the petitioner who is a practising Surgeon, lodged a complaint with the respondent police, based on which a case in Cr.No.1072 of 2008 was registered on 22.07.2008 for offences under Sections 147, 148, 427, 448, 294(b), 324 and 307 IPC against (1) Ragavendra (2) Surya Narayanan (3) Saravanan (4) Ravindra Jeyapal and unnamed 20 others. Police completed the investigation and has filed a Final Report before the learned XVII Metropolitan Magistrate, Saidapet, Chennai arraying only Surya Narayanan, Ragavendra and Saravanan for offences under Sections 294(b), 324, 326 and 307 IPC r/w 34 IPC. The case was committed to the Court of Sessions and now it is pending as S.C.No.104 of 2009 on the file of the XVIII Additional Judge (Fast Track Court), Chennai. At this juncture, the de facto complainant has filed an application for reinvestigation of the case on the ground that the investigation has been very perfunctory.

3. In the considered opinion of this Court, in a case of this nature, if further investigation is ordered at this juncture, the accused will stand to gain by that, which would only further delay the proceedings. Under such circumstances, this Court directs the learned XVIII Additional Judge (Fast Track Court), Chennai to proceed with the trial in S.C.No.104 of 2009 and during the course of evidence, if materials surface about the involvement of other accused, they may be impleaded under Section 319 Cr.P.C. as held by the Supreme Court in Hardeep Singh v. State of Punjab [2014 (1) Scale 241]. The trial Court is directed to proceed with the trial expeditiously. With the above direction, this petition is closed. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते
Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

gms

To

1.The Commissioner of Police
Greater Chennai, Egmore
Chennai 600 008.

2.The Deputy Commissioner of Police
T.Nagar District
T.Nagar, Chennai 600 017.

3.The Inspector of Police
R-8, Vadapalani Police Station
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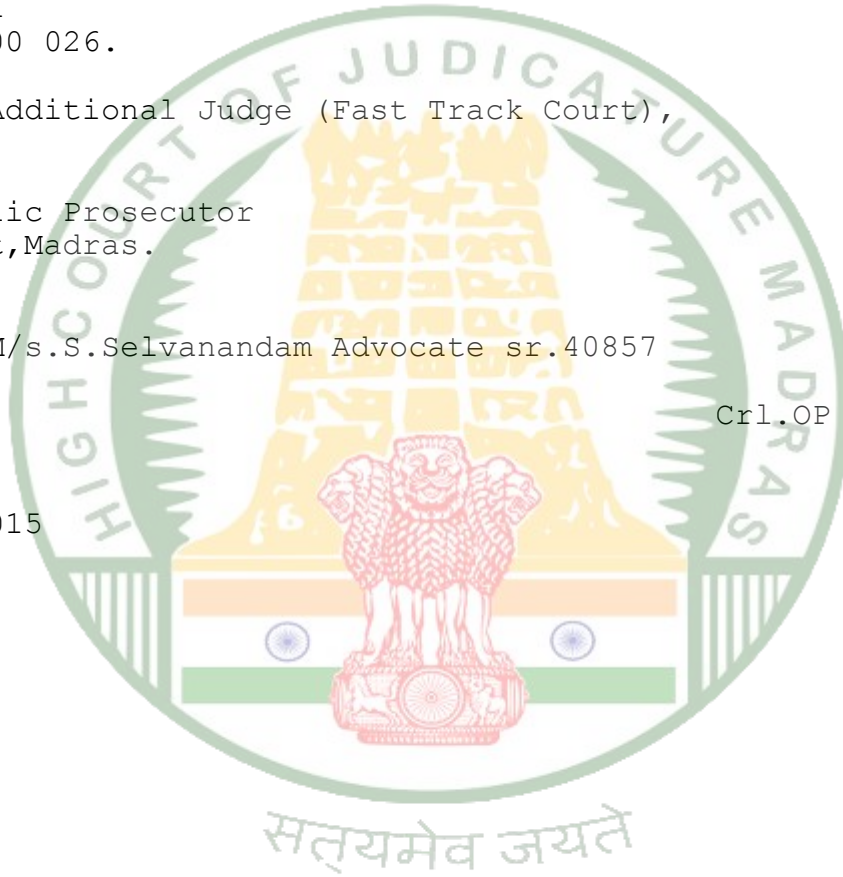
4. XVIII Additional Judge (Fast Track Court),
Chennai

5.The Public Prosecutor
High Court,Madras.

+1 cc to M/s.S.Selvanandam Advocate sr.40857

Crl.OP No.16730 of 2009

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