



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2015

CORAM

WEB COPY

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH**

Crl.O.P.(MD)No.2728 of 2015  
and M.P.(MD) No.1 of 2015

Raju ... Petitioner/P.W.3  
Vs.

State rep. by the  
Inspector of Police,  
Ayyampettai Police Station,  
Thanjavur District.  
(Crime No.243 of 2013) ...Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to direct the respondent to file petition under Section 173(8) Cr.P.C in I Additional District and Sessions Judge, Thanjavur, and further direct the learned 1st Additional District and Sessions Judge, Thanjavur to pass appropriate order for re-investigation or for further investigation with regard to the petitioner's statements and other eye witnesses statement recorded in the final report by the respondent police in accordance with law, pending trial in S.C.No.43 of 2014 on the file of the learned I Additional District and Sessions Judge, Thanjavur and pass such other or further orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.S.Rajaprabu  
For Respondent : Mr.K.Anbarasan  
Govt. Advocate (Crl.side)

O R D E R

This Criminal Original Petition is filed seeking a direction to respondent to file petition under Section 173(8) Cr.P.C before the I Additional District and Sessions Judge, Thanjavur, and further direct the learned I Additional District and Sessions Judge, Thanjavur, to pass appropriate order for re-investigation or for further investigation with regard to the petitioner's statements and other eye witnesses statement recorded in the final report by the respondent police in accordance with law, pending trial in S.C.No.43 of 2014 on the file of the learned I Additional District and Sessions Judge, Thanjavur.

2.When the matter is taken up for hearing, the learned Govt. Advocate (Crl.side) submitted that the matter is posted for cross examination of the investigation officer. If the petitioner wants to invoke Section 173(8) Cr.P.C. the remedy lies



before the trial court. Accordingly, this petition shall stand dismissed. Consequently, connected M.P. is also dismissed.

Sd/-  
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

1.The I Additional District and Sessions Judge,  
Thanjavur,

2.The Inspector of Police,Ayyampettai Police Station,  
Thanjavur District.

3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

ses  
RL/4 c- 8/5/2015

Cr1.O.P.(MD)No.2728 of 2015

20.04.2015