



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

CRL.RC.(MD)No.151 of 2015

and

M.P.No.1 of 2015

S.P.Jayachandran

: Petitioner

Vs.

1.The Inspector of Police,
K.K.Nagar Police Station,
K.K.Nagar, Trichy, Trichy District.

2.P.Malarvannan alias Malar

3.R.Kalimuthuvel

4.J.Suresh Samuvel

5.S.Loheswaran

: Respondents

PRAYER: Petition is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records in Cr.MP.No.188 of 2015 in S.C.No.132 of 2004, on the file of the Chief Judicial Magistrate, Trichy, dated 17.02.2015 and set aside the same by allowing this revision petition.

For Petitioner : Mr.R.Sundar

For Respondent No.1 : Mr.P.Kannithevan

Government Advocate [Criminal Side]

O R D E R

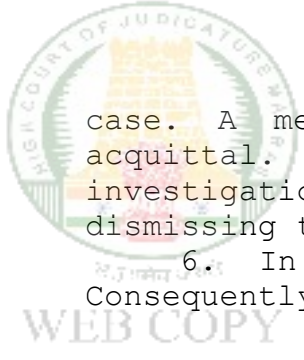
The petitioner herein is the de facto complainant in Crime No.462 of 2013, on the file of the first respondent herein. The respondents 2 to 4 are the accused in this case. The case was registered for the offences under Sections 447, 506(ii) of the Indian Penal Code and Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992.

2. On completing the investigation, the first respondent herein has laid a final report. On receipt of final report, the committal Court took cognizance and thereafter, it was committed and taken cognizance in S.C.No.132 of 2004 by the learned Chief Judicial Magistrate, Trichy. During the pendency of the said case, the petitioner filed Cr.MP.No.188 of 2015 before the Trial Court under Section 173(8) of the Code of Criminal Procedure, requesting the Court to issue an order for further investigation and the same was dismissed by the Trial Court, on 17.02.2015. Challenging the said order, the petitioner has come up with the present Criminal Revision Case.

3. I have heard the learned counsel appearing for the petitioner and perused the records carefully.

4. The learned counsel for the petitioner would submit that there is a discrepancy between the charge sheet and the First Information Report and that is why, the petitioner filed Cr.MP.No.188 of 2015 before the Trial Court, seeking further investigation.

5. In my considered opinion, simply because there is a discrepancy between the charge sheet and the First Information Report, no further investigation could be ordered. The Trial Court has held that the grievance of the petitioner would be considered during the trial of the



case. A mere discrepancy would not by itself be a ground for an acquittal. Thus, the petitioner has not made out any case for further investigation. In my considered opinion, the Trial Court was right in dismissing the petition.

6. In the result, this Criminal Revision Case is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub- Assistant Registrar

To

1.The Chief Judicial Magistrate, Trichy,
2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

3.The Inspector of Police,
K.K.Nagar Police Station,
K.K.Nagar, Trichy, Trichy District.

+1cc to Mr.R.Sundar, Advocate in SR.No. 17140

Nb

Sm:17.04.2015:2P/5C

ORDER MADE IN
CRL.RC.(MD)No.151 of 2015
DATED - 07.04.2015