

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.2570 of 2015

ORDER

The present criminal revision case is directed against the order dated 09.10.2015 passed in Crl.M.P.No.2687 of 2015 in P.R.C.No.7 of 2015 by the learned I Additional Junior Civil Judge, Gurazala.

2. The petitioner herein lodged a complaint against the accused for the offences punishable under Sections 147, 148, 307 149 and 302 read with Section 34 IPC. Petitioner states that after completion of investigation, the police filed a false investigation report without bringing the real accused named by him. Hence, he filed the impugned application seeking to order fresh investigation by an independent police investigating agency including CBCID in Cr.No.261 of 2014 of Dachepalli Police Station. By the order impugned, the trial Court having observed that since no further material was collected and no additional report was filed by the police, the Magistrate is not empowered to order for further investigation, dismissed the said petition. Aggrieved by the same, the petitioner/de facto complainant filed the present revision.

3. Heard and perused the material on record.

4. Admittedly, the police, after completion of investigation, filed charge sheet and the same was numbered as PRC No.7 of 2015. In the order impugned, the trial Court observed that Section 173(8) Cr.P.C. specifically states that the Officer-in-charge of Police Station, on obtaining further evidence, oral or documentary, shall forward the same to the Magistrate by way of further report or reports of such evidence in the form prescribed and as per the said provision, it does not relate to the de facto complainant or accused or any other person, except the police, and admittedly, no further material was collected and no additional report was filed by the police seeking further investigation. Therefore, it held that further investigation cannot be directed on a petition filed

by the de facto complainant under Section 173(8) Cr.P.C. and dismissed the said petition. In view of the provisions of Section 173(8) Cr.P.C., the trial Court has rightly passed the impugned order and there is no need to interfere with by this Court. However, if the petitioner is aggrieved by the lapses on the part of the investigating agency and failure to charge some of the persons involved in the crime, he is at liberty to file a protest petition before the trial Court. On filing such an application, the trial Court shall dispose of the same in accordance with law.

5. Accordingly, the Criminal Revision Case is disposed of. Miscellaneous Petitions, if any, pending in this revision shall stand closed.

JUSTICE RAJA ELANGO

24th November, 2015

sj