

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2016

CORAM

THE HONOURABLE DR.JUSTICE P.DEVADASS

CRL.R.C.No.288 of 2016

S.Gunasundari

... Revision Petitioner

Vs.

State Rep. by its
Sub Inspector of Police,
Vellimedupettai Police Station,
Vellimedupettai, Tindivanam Taluk,
Villupuram District.
(Cr.No.204 of 2016) ... Respondent

Criminal Revision Case filed under Sections 397 and 401 of the Code of Criminal Procedure to set aside the Order dated 11.12.2015 passed in C.c.No.357 of 2015 on the file of the Judicial Magistrate No.I, Tindivanam, Villupuram District consequently directing the respondent police to amend the charge sheet already filed before the learned Judicial Magistrate No.I, Tindivanam, Villupuram District and file the amended charge sheet by including the accused persons viz., Rajendran, Kalaiyarasi, Rukku, Valamathi, Gopi, Rajalakshmi and Parameswari before the learned Judicial Magistrate No.I, Tindivanam, Villupuram District.

For Petitioner : Mr.C.Prakasam

For respondent : Mr.V.Arul,
Government Advocate (Crl. Side)

O R D E R

Defacto complainant aggrieved by the rejection of her un-numbered petition which has been filed to include certain left out accused in the case, this revision has been directed.

2. In Cr.No.204 of 2015 Vellamedupettai Police in Villupuram District registered F.I.R. as against A1 to A8. After investigation, the Investigation Officer filed Final Report as against 6 persons, namely, Sekar, Selva Narayanan, Palani, Balu, Suresh and Venkatesan. The Investigation Officer

not included certain accused, namely, Rajendran, Kalaiyarasi, Rukku, Valarmathi, Gopi, Rajalakshmi and Parameswari in his Final Report.

3. At this stage, the defacto complainant filed the said petition to take cognizance as against the left out accused also. The learned Magistrate referring the view that there is no prima facie case as against the left out accused, has taken cognizance only as against persons with reference to certain offences 'appears to have been committed' has been stated in the Final Report and issued summons to them under section 204 Cr.P.C.

4. This revision has been directed by the defacto complainant to revive the said Order, include the left out accused in this case by taking cognizance also as against them.

5. In the facts and circumstances, the impugned Order of the learned Magistrate does not suffer from any legality or propriety.

6. However, as on date, the prosecution evidence has not been tendered in the witness box. In such circumstances, if upon incriminating materials presented during the course of enquiry or trial, the learned Magistrate will take further action under section 319 Cr.P.C.

7. This revision is disposed of with the above observations.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vrc

To,

1. The Chief Judicial Magistrate,
Villupuram District.
2. The Judicial Magistrate No.I,
Tindivanam.
3. The Inspector of Police,
Vellimedupettai Police Station,
Vellimedupettai, Tindivanam Taluk,
Villupuram District.
4. The Government Advocate,
(Criminal Side), High Court, Madras.

+ 1 cc to M/s. C. Prakasam, Advocate Sr.21827

Cr1.R.C.No.288 of 2016

SSK(CO)

Eu 29.04.16