

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.29139 of 2015

Kilivarma

... Petitioner

Vs

1.The Superintendent of Police,
Krishnagiri District,
Krishnagiri.

2.The Deputy Superintendent of
Police,
Uthangarai Taluk,
Krishnagiri District.

3.The Inspector of Police,
Kallavi Police Station,
Uthankarai,
Krishnagiri District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents to further investigate the case in Crime No.92 of 2015 on the file of third respondent herein under Section 173(8) Cr.P.C. to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For respondents : Mr.C.Emalias,
Addl.Public Prosecutor.

ORDER

The present criminal original petition has been filed seeking a direction to the respondents to further investigate the case in Crime No.92 of 2015 on the file of the third respondent under Section 173(8) Cr.P.C. to secure the ends of justice.

2. It is the case of the petitioner that he has lodged a complaint with the third respondent police as against one Ganesh, Selvi, Vignesh, Chandrasekar and others on the allegation that the said accused persons called him with his caste name and uttered filthy language and attacked him. Based on the said complaint, a case was registered in Crime No.92 of 2015 for the alleged offence punishable under Sections 294(b) and 323 I.P.C. and Section 3(1) of TNPPDL Act and Section 3(1) (r), 3(1)(s) of SC/ST (Prevention of Atrocities) Amendment Ordinance 2014. Thereafter, the third respondent police has not taken any action on the said complaint. Hence, the petitioner has come forward with the present petition seeking a direction to the respondents to conduct further investigation in this case.

3. When the matter was taken up for consideration, learned Additional Public Prosecutor submitted that now the Deputy Superintendent of Police, Uthangarai is conducting the investigation in this case and the investigation is in progress.

4. Since already investigation is in progress, I am of the opinion, nothing survives in this petition.

5. Hence, recording the submission made by the learned Additional Public Prosecutor that now the Deputy Superintendent of Police, Uthangarai is conducting the investigation in this case, the present criminal original petition is closed.

sbi

04.01.2016

This matter having been listed on 30.03.2016 for clarification, in pursuance of order dated 04.01.2016 and made herein and in the presence of the aforesaid counsel on either side, the court made the following order;

This matter is posted today under the caption "For Clarification".

2.By order dated 04.01.2016, this Court by recording the submission of the learned Additional Public prosecutor, closed the criminal original petition. The relevant portion in the order is as follows;

"3.When the matter was taken up for consideration, learned Additional Public Prosecutor submitted that now the Deputy Superintendent of Police, Uthangarai is conducting the investigation in this case and the investigation is in progress.

4.Since already investigation is in progress, I am of the opinion, nothing survives in this petition.

5.Hence, recording the submission made by the learned Additional Public Prosecutor that now the Deputy Superintendent of Police, Uthangarai is conducting the investigation in this case, the present criminal original petition is closed."

3.Now, it is represented by the learned Additional Public Prosecutor that on 04.01.2016 it was mistakenly represented as if the investigation was not completed; but, actually, in this case, investigation was completed, chargesheet was filed and now, the case is pending for trial before the Principal Sessions Court, Krishnagiri, in S.C.No.98 of 2015. Thus, the learned Additional Public Prosecutor sought for necessary modification in the order.

4.Heard both sides.

5.In view of the submissions made on either side, this Court passes the following order

"Paragraphs 3, 4 & 5 in the order dated 04.01.2016 are ordered to be modified as follows;

"3.When the matter was taken up for consideration, learned Additional Public Prosecutor submitted that investigation in this case was completed and chargesheet was filed. Further, now, the case is pending for trial before the Principal Sessions Court, Krishnagiri, in S.C.No.98 of 2015.

4.Since already investigation was completed and the case is now pending for trial, nothing survives in this petition.

5.Hence, recording the submission made by the learned Additional Public Prosecutor, the present criminal original petition is closed.""

Registry is directed to carry out necessary correction in the order and to issue fresh order copy to the parties.

ssv

30.03.2016

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1.The Superintendent of Police,
Krishnagiri District,
Krishnagiri.
- 2.The Deputy Superintendent of Police,
Uthangarai Taluk,
Krishnagiri District.
- 3.The Inspector of Police,
Kallavi Police Station,
Uthankarai,
Krishnagiri District.
- 4.The Public Prosecutor,
High Court, Madras.

Copy to: The Principal Sessions Judge, Krishnagiri.

+1 cc to Mr.R.Sankarasubbu Advocate sr.637

Crl.O.P.No.29139 of 2015

BVR (CO)
aa07/01/2016
EU 28.04.2016

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