

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 18.08.2016

PRONOUNCED ON: 26.08.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Cr1.O.P. No.18318 of 2016

Sundarrajan

Petitioner

vs.

- 1 The Commissioner of Police
Chennai City
Chennai 600 007
- 2 The Inspector of Police
J-4 Kotturpuram Police Station
Chennai 600 085
(Crime No.515 of 2002)

Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondents to further investigate the case in Crime No.515 of 2002 on the file of the Inspector of Police, J-4 Kotturpuram Police Station and array the four unknown persons as accused in the above case.

For petitioner Mr. R. Sankarasubbu

For respondents Mr. C. Emalias

Additional Public Prosecutor

सत्यमेव जयते

ORDER

This Criminal Original Petition is filed seeking a direction to the respondents to further investigate the case in Crime No.515 of 2002 on the file of the Inspector of Police, J-4 Kotturpuram Police Station and array the four unknown persons as accused in the above case.

2 Heard Mr. R. Sankarasubbu, learned counsel for the petitioner and Mr.C. Emalias, learned Additional Public Prosecutor appearing for the respondents.

3 On the complaint lodged by the petitioner, the respondent police registered a case in Crime No.515 of 2002 on 15.07.2002 and after completing the investigation, filed a final report in C.C. No.6983 of 2004 before the IX Metropolitan Magistrate Court, Saidapet, Chennai, against Ravichandran for offences under Sections 341 and 326 IPC and trial is pending. While so, the petitioner has come up with this petition for a direction to the police to conduct further investigation in the case.

4 Mr. R. Sankarasubbu, learned counsel for the petitioner submitted that the petitioner was working as a Technician in the National Institute of Technical Teachers Training and Research (NITTTR), Chennai and he was elected as the General Secretary of the trade union. While so, on 15.07.2002, he was allegedly attacked by Ravichandran @ Ravindran and some unknown persons and he sustained grievous injuries. It is the grievance of the petitioner that the police have prosecuted only against Ravichandran @ Ravindran and have not prosecuted the others.

5 The learned Additional Public Prosecutor appearing for the respondents submitted that the investigation was completed in the year 2004 and final report was filed before the jurisdictional Court and four witnesses have been examined and at that juncture, the petitioner has been doing everything within his means to protract the trial against the accused by filing various applications, including a petition under Section 319, Cr.P.C.

6 This Court gave its anxious consideration to the rival submissions and perused the materials available on record.

7 The petitioner was examined as P.W.1 in C.C. No.6983 of 2004 on 13.04.2005. Even in his evidence, he has not stated the name and identity particulars of the other four persons who had allegedly attacked him. He has not even stated that he could identify them, if they are produced before him. That apart, as stated by the learned Additional Public Prosecutor, the petitioner has filed an application under Section 319, Cr.P.C. and has been stalling the trial from 2004 onwards. A Constitution Bench of the Supreme Court, in Hardeep Singh vs. State of Punjab and Others, [(2014) 3 SCC 92], has very clearly stated the circumstances under which a new person can be added as an accused. Further, in Joginder Kumar vs. State of Uttar Pradesh, [(1994) 4 SCC 260], the Supreme Court has held that before adding a person as an accused, he should be heard and only thereafter, he can be added.

8 In the light of the aforesaid authoritative judicial pronouncements, the petitioner cannot resort to wild goose chase by implicating all and sundry and asking the Court to implead them in the case.

In the result, this Criminal Original Petition is dismissed with a direction to the Trial Court to complete the trial within a period of three months from the date of receipt of a copy of this order.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

cad
To

- 1 The Commissioner of Police
Chennai City
Chennai 600 007
- 2 The Inspector of Police
J-4 Kotturpuram Police Station
Chennai 600 085
- 3 The Public Prosecutor
Madras High Court, Chennai 600 104

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