

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2016

CORAM

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

Crl.O.P.No.22704 of 2016

Maheswari .. Petitioner
Vs.

1. The Superintendent of Police
Cuddalore District.
Cuddalore.
2. The Inspector of Police
All Women Police Station,
Neyveli, Cuddalore District. ... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the second respondent to re-investigate into the case in Crime No.8 of 2014 on the file of the second respondent.

For Petitioner : Mr.N.Anand

For Respondent : Mr.C.Emalias
Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, seeking an order to direct the second respondent to re-investigate into the case in Crime No.8 of 2014 on the file of the second respondent.

2. Heard both sides.

3. It is averred in the petition that the petitioner has lodged a complaint on 12.09.2014 and case was registered on 18.09.2014 and that the second respondent has not done the investigation properly; that the statement of the defacto-complainant and other witnesses have not been recorded; that final report has been filed only as against three accused leaving some of the real culprits and therefore, the petitioner seeks re-investigation.

4. The learned Additional Public Prosecutor submits that though originally case was registered as against 4 persons, after investigation, final report was filed against three accused, as per available evidence procured during

investigation. He further contends that re-investigation is not required in this case.

5. In this case, FIR was registered on 18.09.2014 and after investigation, charge sheet was laid on 07.07.2016. According to the learned Additional Public Prosecutor, charge sheet was laid as per the material and evidence procured during investigation and since case was not made out as against Sasipriya, she was left out in the final report.

6. It is pertinent to note that under Section 319 Cr.P.C, the Court can include in the course of trial any of the person as accused if he / she is appears to have involved in the crime from the evidence. Therefore, in the case registered in the year 2014, the request of the petitioner to include another accused or to re-investigate the case is not warranted and accordingly, the same is rejected.

7. It is suffice to observe that if any offence is made out against any person from the evidence during the course of trial, the trial Court is empowered under Section 319 Cr.P.C, to implicate them as accused.

With the above observations, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

tsvn

To

1. The Superintendent of Police
Cuddalore District.
Cuddalore.

2. The Inspector of Police
All Women Police Station,
Neyveli, Cuddalore District.

3. The Public Prosecutor
High Court of Madras.

+1cc to Mr.N. Anand, Advocate, S.R.No.57982

SR(CO)
EU(12/11/2016)

Cr1.O.P No.22704 of 2016