

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.3228 of 2016
and Crl.M.P.No.1668 of 2016

S.S.Rajendran

.. Petitioner

Vs.

- 1.The Superintendent of Police
Villupuram.
- 2.The Deputy Superintendent of Police
Villupuram.
- 3.The Inspector of Police
Valavanur police station
Valavanur, Villupuram District.
- 4.Kalyanasundaram
- 5.Rajaram
- 6.Thirunavukarasu
- 7.Rajan
- 8.Ramkumar
- 9.Manikandan
- 10.Sudhakar

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the third respondent to re-investigate and file supplementary charge sheet in C.C.No.57 of 2012 on the file of the learned Judicial Magistrate No.II, Villupuram to charge the accused under the provisions of Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992.

For Petitioner :Mr.N.Suresh

For R1 to R3 :Mr.C.Emalias

Addl. Public Prosecutor

R4 to R10 : not pressed

O R D E R

The petitioner has come forward with this petition seeking for a direction to the third respondent to re-investigate and file

supplementary charge sheet in C.C.No.57 of 2012 on the file of the learned Judicial Magistrate No.II, Villupuram to charge the accused under the provisions of Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992.

2.The learned counsel for the petitioner submitted that on 13.04.2011, the accused persons have threatened the petitioner and his wife and also abused them using filthy language and they had caused extensive damage to the petitioner's car. On the basis of the complaint given by the petitioner, a case has been registered in Crime No.167/2011 for the offences under Sections 147, 148, 294(b), 323, 427 and 506(ii) IPC. After investigation, a charge sheet has been filed against accused 1 to 7 and the case was taken in C.C.No.57 of 2012 on the file of the learned Judicial Magistrate No.II, Villupuram. He further submitted that since the vehicle of the petitioner has been damaged, the respondents ought to file the charge sheet for offence under Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 and to prove the same, he filed Motor Vehicle Inspector's report. But the investigating officer has not included the said offence, which is triable by the Sessions Court and instead of the said offence, he filed charge sheet for the offence under Section 427 IPC. Hence, he has come forward with this petition for the above stated relief.

3.Learned Additional Public Prosecutor submits that Section 427 IPC deals with mischief causing damage to the amount of fifty rupees or upwards, whoever commits mischief and thereby causes loss or damage to the amount of fifty rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both. He has fairly conceded that petitioner's vehicle has been damaged and hence, the offence under the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 can be invoked.

4.Heard both sides and perused the typed set of papers.

5.In the report given by the Motor Vehicle Inspector, he had given the damages as left hand side last window glass broken, left hand side body sheet pressed in ward and rear door sheet pressed in ward. Under such circumstances, it is a fit case for giving direction to the third respondent to re-investigate the matter and file supplementary charge sheet by including offence under Section 3(1) Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 and also Section 323 IPC. Even though Section 323 I.P.C. has been mentioned in F.I.R., it was not mentioned in the charge sheet.

6. Accordingly, the third respondent is directed to re-investigate the matter and file supplementary charge sheet by including offence under Section 3(1) Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 and also Section 323 IPC, within a period of one month from the date of receipt of a copy of this order. On receipt of the same, the learned Judicial Magistrate No.II, Villupuram, is directed to follow the procedure and commit the case to the Sessions Court.

7. With the above direction, the Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

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s/d-
Assistant Registrar (AS)

True Copy

Sub-Assistant Registrar

To

1. The Superintendent of Police
Villupuram.
2. The Deputy Superintendent of Police
Villupuram.
3. The Inspector of Police
Valavanur police station
Valavanur, Villupuram District.
4. The Public Prosecutor, High Court, Chennai.
5. The Judicial Magistrate, No.II
Villupuram district.
6. The Chief Judicial Magistrate,
Villupuram District.

+ 1 cc to Mr. N. Suresh, Advocate SR 17143

nr(co)
prk31/3

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