



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2016

CORAM

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP(MD) No.6429 of 2016

Masanam

... Petitioner

Vs

1. The Director General of Police,
Mylapore, Chennai-600 004.
2. The Deputy Inspector General of Police,
Tirunelveli Zone,
Tirunelveli District.
3. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
4. The Inspector of Police,
Valliyoore Police Station,
Tirunelveli District.

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents 1 to 3 to direct the fourth respondent to re-investigate the case in Crime No.161 of 2008 on the file of the fourth respondent through a higher police officer.

For Petitioner : Mr.K.Sudalaiyandi

For Respondents : Mrs.S.Prabha

Government Advocate(Crl.Side)

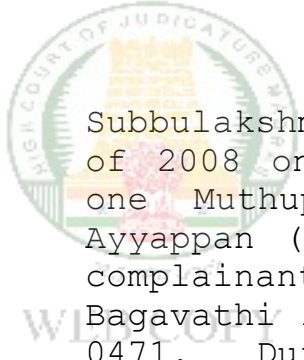
ORDER

This petition has been filed to direct the respondents 1 to 3 to direct the fourth respondent to re-investigate the case in Crime No.161 of 2008 on the file of the fourth respondent through a higher police officer.

2. Heard the learned counsel for the petitioner and the learned Government Advocate(Crl.Side) appearing for the State.

<https://hcservices.ecourts.gov.in/hcservices/>

3. It is seen that on the complaint lodged by one



Subbulakshmi, the respondent police registered a case in Cr.No.161 of 2008 on 24.04.2008 under Sections 147 and 365 I.P.C. against one Muthupandi (A.1), Laksmanan (A.2), Muthukrishnan (A.3), Ayyappan (A.4) and Suresh (A.5). It is the case of the defacto complainant that the accused have abducted her elder brother Bagavathi in a Maruthi Amni Van bearing Registration No.TN-72-AZ-0471. During the course of investigation, Bagavathi was found dead and thereafter a case in Cr.No.161 of 2008 was altered to from Sections 147 and 365 I.P.C. to Sections 147, 365, 302 and 201 I.P.C. and after completing the investigation, the respondent police filed final report against eight accused as early as in September 2008. The case has been committed to the Court of Sessions in S.C.No.239 of 2013 and the same is now pending before the Additional Sessions Judge, Tirunelveli. While so, the petitioner who is also one of the prosecution witnesses, as brother of the deceased, has come up with this application for re-investigation.

4. When the matter was taken up for hearing, the learned Government Advocate (Crl.Side) submitted that P.W.1 has been examined and the trial is in progress.

5. It is true that this Court has got power to order re-investigation of the case at any time. However, such order cannot be passed mechanically without adequate ground thereof. In this case, the incident has been taken place in the year 2008 and final report has been filed as early as in September 2008 and in the year 2016, the petitioner has come up with this application for re-investigation on the ground that Esakiyappan (P.W.9) and Ganesan (P.W.10), who are very close relatives to the accused 4 and 5, have been arrayed as eye-witnesses in this case.

6. In the considered opinion of this Court, that cannot be a good reason to order re-investigation in the case of this nature. It is always open to the trial Court to exercise its power under Section 311 Cr.P.C. for examining any person whose evidence is just and necessary in the case. Under such circumstances, this Court does not find any merit in this petition for re-investigation. Hence, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar



To

1. The Director General of Police,
Mylapore, Chennai-600 004.
2. The Deputy Inspector General of Police,
Tirunelveli Zone,
Tirunelveli District.
3. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
4. The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.K.SUDALAIYANDI, ADVOCATE IN SR NO. 23531

SSL

TE/SS/ : 11/05/2016 : 3P/7C

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