



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2016

CORAM:

THE HONOURABLE DR.JUSTICE P.DEVADASS

C.R.L.RC(MD) No.21 of 2016

Saranya

... Petitioner / Petitioner /
De facto Complainant

-vs-

1.State, rep.by

The Inspector of Police
Allinagaram Police Station
Theni District

... 1st Respondent / Respondent /
Complainant

2.Shanthi

3.Ramachandran

4.Murugan

5.Muthulakshmi

... Respondents 2 to 5 /
Respondents 2 to 5 /
Accused 1 to 4

PRAYER: Criminal Revision Petition is filed, under Section 397 and 401 Cr.P.C., to call for the records in Cr.M.P.No.5435 of 2015 in S.T.C.No.552 of 2015 in Crime No.512 of 2014, on the file of the learned Judicial Magistrate, Theni, dated 06.11.2015, and set aside the same and include the respondents 3 to 5 in S.T.C.No.552 of 2015 in Crime No.512 of 2014, on the file of the learned Judicial Magistrate, Theni.

For Petitioner :Mr.S.Muniyandi

For Respondents :Mrs.S.Prabha

Govt.Advocate (Cr1.Side) for R1
Mr.P.T.Thiraviam for R2 to R5

O R D E R



by the learned Judicial Magistrate, Theni, refusing to order for reinvestigation.

2. The grievance of the revision petitioner is that some accused were left out in the final report.

3. On perusal of the records, it is seen that final report has been filed, it has been taken cognizance in S.T.C.No.552 of 2015. Now, trial is also going to start. Still, the bus is not lost. If the prosecution witnesses in the witness box adduces evidence with concrete incriminating evidence implicating certain persons as accused, the learned Magistrate can take further action under Section 319 Cr.P.C. However, the learned Magistrate should not mechanically add them. Only upon incriminating evidence and on perusing the relevant materials, the learned Magistrate can take such action.

4. This revision fails and is dismissed with the above observation.

Sd/
Assistant Registrar(W)

/True copy/

Sub Assistant Registrar

To:

1.The Judicial Magistrate, Theni.

2.The Government Advocate (Criminal Side)
Madurai Bench of Madras High Court, Madurai.

3.The Inspector of Police,
Allinagaram Police Station, Theni District.

SDR/SK-SKN/28.06.2016/2P/4C

C.R.L.RC(MD) No.21 of 2016
21.06.2016