

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Criminal Revision No.488 of 2017

and

Crl.M.P.No.4366 of 2017

Jaishankar

... Petitioner/Defacto
Complainant

Vs

The State of Tamil Nadu
rep. By Inspector of Police,
Brammadesam Police Station,
Crime No.213/2014

... Respondent/Complainant

Prayer:- Criminal Revision filed under Section 397 r/w. 401 of Cr.P.C., to set aside the order dated 05.10.2016 in C.M.P.No.1281 of 2016 in S.T.C.No.2042 of 2015 on the file of the Judicial Magistrate-II, Tindivanam.

For Petitioner : Mr.M.Sivavarthanan

For respondent : Mr.R.Ravichandran,
Government Advocate (Crl.side)

ORDER

Challenging the order of dismissal, passed by the Judicial Magistrate No.II, Tindivanam, in C.M.P.No.1281 of 2016 in S.T.C.No.2042 of 2015 dated 05.10.2016, filed under Section 173(3) Cr.P.C to include one more accused in the final report, the present revision has been filed.

2. The petitioner is the defacto complainant and based on the complaint given by the petitioner, a crime was registered in Crime No.213 of 2014 and after investigation, final report has also been filed against 5 accused.

3. I have heard Mr. M.Sivavarthanan, learned counsel appearing for the petitioner and Mr.R.Ravichandran, Government Advocate (Crl. Side) appearing for the respondent and perused the materials available on record carefully.

4. According to the petitioner, even though some material was available against yet another accused, who was

named in the First Information Report, he was not included in the final report. Hence, the petitioner filed a petition before the court below and the same was dismissed. Challenging the same, the present revision is filed. At this stage, the petitioner cannot maintain an application under Section 173(3) Cr.P.C. to include any accused. After final report has been filed by the police, if the petitioner has any grievance that some of the accused were left out, and they have not included in the final report, he has an opportunity during the trial to file an application under Section 319 Cr.P.C., if the available evidence point out the guilt of another accused. In the above circumstances, I find no illegality or irregularity in the order passed by the trial court. Hence this revision has no merit and the same is liable to be dismissed.

5. In the result, the criminal revision petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Judicial Magistrate No.II,
Tindivanam.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Sivavarthan, Advocate, S.R.No.18500

Cr1.R.C.No.488 of 2017

VG II(CO)
CA(12/04/2017)

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