

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2017

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

CRL.O.P.No.7805 of 2017

D.Murugadass @ Murugappa
S/o.Dhandapani

...Petitioner

vs.

The State of Tamil Nadu,
represented by its
Inspector of Police,
Velipalayam Police Station,
Nagapattinam.

...Respondent

Criminal Original Petition filed under Section 482 of Criminal Procedure Code praying to direct the respondent herein to reinvestigate the case in the light of the CCTV footage and file the final report in the above PRC No.38 of 2016 on the file of learned Judicial Magistrate II, Nagapattinam.

For Petitioner : Mr.V.Bhiman
For Respondent : Mr.M.Mohammed Riyaz
Government Advocate [Crl.side]

ORDER

Petitioner seeks a direction to the respondent to reinvestigate the case in the light of the CCTV footage and file final report in PRC No.38 of 2016 on the file of learned Judicial Magistrate II, Nagapattinam.

2. Heard learned counsel for petitioner and learned Government Advocate [Crl.side].

3. Petitioner is A2 in case registered in Crime No.442 of 2016 on the file of respondent for offences u/s.294-B and 307 IPC. Respondent has filed final report before learned Judicial Magistrate II, Nagapattinam and the same is pending committal in P.R.C.No.38 of 2016. It is the contention of petitioner that though CCTC coverage was available to prove the absence of petitioner at the scene, respondent police has failed to take note of petitioner's claim of alibi. The claim of alibi is to be pleaded and proved by accused and petition of the present nature wherein an accused seeks reinvestigation is not maintainable.

The Criminal Original Petition shall stand dismissed.

Gm

/sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

- 1.The Judicial Magistrate II,
Nagapattinam.
- 2.The Inspector of Police,
Velipalayam Police Station,
Nagapattinam.
- 3.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr. V. Bhiman, Advocate Sr.No. 23904

CRL.O.P.No.7805 of 2017

MD: 27/11/2017



WEB COPY