

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.O.P.No.15127 of 2018

Kalaiselvi

... Petitioner

Vs

The State Rep. by its ,
The Inspector of Police,
Nannilam Police Station,
Thiruvarur District.

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the Learned District and Sessions Judge Fastrack Mahila Court, Thiruvarur to treat the statement to be given by the petitioner in S.C.No. 109 of 2014 as the first statement of the petitioner.

For Petitioner : Mr.V.Sathish

For Respondent : Mr.C.Raghavan,
Government Advocate (CrI. side)

ORDER

This petition has been filed to direct the Learned District and Sessions Judge Fastrack Mahila Court, Thiruvarur to treat the statement to be given by the petitioner in S.C.No. 109 of 2014 as the first statement of the petitioner.

2. Heard the learned counsel for the petitioner; the learned Government Advocate (CrI. Side) appearing for the respondent and perused the materials placed on record.

3. It is stated that the petitioner's daughter was murdered, pursuant to which, a case in Nannilam Police Station Crime No.329 of 2012 was registered. After investigation, charge sheet has been filed against one accused. The case has been committed to the Court of Sessions and the same is pending in SC.No.109 of 2014 before the Fastrack Mahila Court, Thiruvarur. While so, the petitioner has filed the present petition for a direction to the trial Court to record the statement.

4. It is the grievance of the petitioner that the investigation has not been conducted properly and that, the police has left out one Rajesh Kumar, S/o.Asaithambi.

5. In the opinion of this Court, no direction as prayed for can be granted, because there is no provision under the Code of Criminal Procedure for the Sessions Court to record the statement of a witness, even before the commencement of trial. It is always open to the petitioner to give evidence before the Sessions Court and it is open to the Sessions Court to invoke Section 319 of Cr.P.C., if there are credible and reliable materials against the person who was not arrayed as an accused.

6. With these above observations, this petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

gmd/gya

To

1. The Inspector of Police,
Nannilam Police Station,
Thiruvavarur District.

2.The Public Prosecutor,
High Court, Madras.

सत्यमेव जयते

Cr1.O.P.No.15127 of 2018

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