

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.12.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.27091 of 2018

G.Umapathy

... Petitioner

Vs.

1.The State,
Represented by its Inspector of Police,
Ambattur Police,
Ambattur,
Chennai - 600 053.

2.Ramesh
3.Ramamurthy
4.Dilli
5.Bhuvaneswari

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to exercise its inherent powers under Section 482 of Cr.P.C., to direct further investigation in S.C.No.253 of 2016 (arising out of FIR 887 of 2013) on the file of the Fast Track Mahila Court (District and Sessions Judge), Tiruvallur, by the 1st respondent police.

For Petitioner : Mr.Sharath Chandran

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed seeking for further investigation in S.C.No.253 of 2016, pending on the file of the Fast Track Mahila Court (District and Sessions Judge), Tiruvallur.

2. When the matter came up on 22.11.2018, the following order was passed by this Court:

This petition has been filed seeking for further investigation in the pending case in S.C.No.253 of 2016, on the file of the Fast Track Mahila Court (District and Sessions Judge), Tiruvallur.

2. The learned counsel for the petitioner would submit that the petitioner's daughter died under suspicious circumstances and the FIR was registered under Section 174 (iii) Cr.P.C., thereafter, the FIR was altered an offence under Section 498, 308 and 304(B) IPC were incorporated. The learned counsel for the petitioner would submit that one of the most important evidence in the case was the CD, which contains the recording of the conversation that took place between the accused person and the deceased. Even though, the CD was recovered under the Mahazar during the course of investigation, the respondent police has not even produced the CD before the concerned Court at the time of filing of a final report. According to the learned counsel for the petitioner, this has been intentionally done by the respondent police. Therefore, this petition has been filed seeking for further investigation.

3. Post this matter on 03.12.2018 immediately after admission and in the mean time, the first respondent police is directed to file a status report before this Court explaining as to what happened to the CD that was recovered during investigation and whether the same has been filed along with the final report. If not, why it was not filed along with the final report.

3. The learned Additional Public Prosecutor on instructions submitted that the CD was infact recovered under recovery mahazar and the same will be produced before the Court below. When an attempt was made to produce the same before the Court below, the Court below refused to receive the same on the ground that the present Criminal Original Petition is pending before this Court.

4. The main ground on which the petition was filed, has now been achieved and the respondent police have accepted that the CD is available and the same will be filed before the Court below. No further order is required to be passed for any further investigation in this matter.

5. The Criminal Original Petition is disposed of with a direction to the first respondent police to hand over the CD, which was recovered under Mahazar during the course of investigation, along with the report before the Court below and the Court below shall take the same on file and make it a part

of proceedings in S.C.No.253 of 2016. This process shall be completed by the first respondent police within a period of one week from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Ambattur Police,
Ambattur,
Chennai - 600 053.

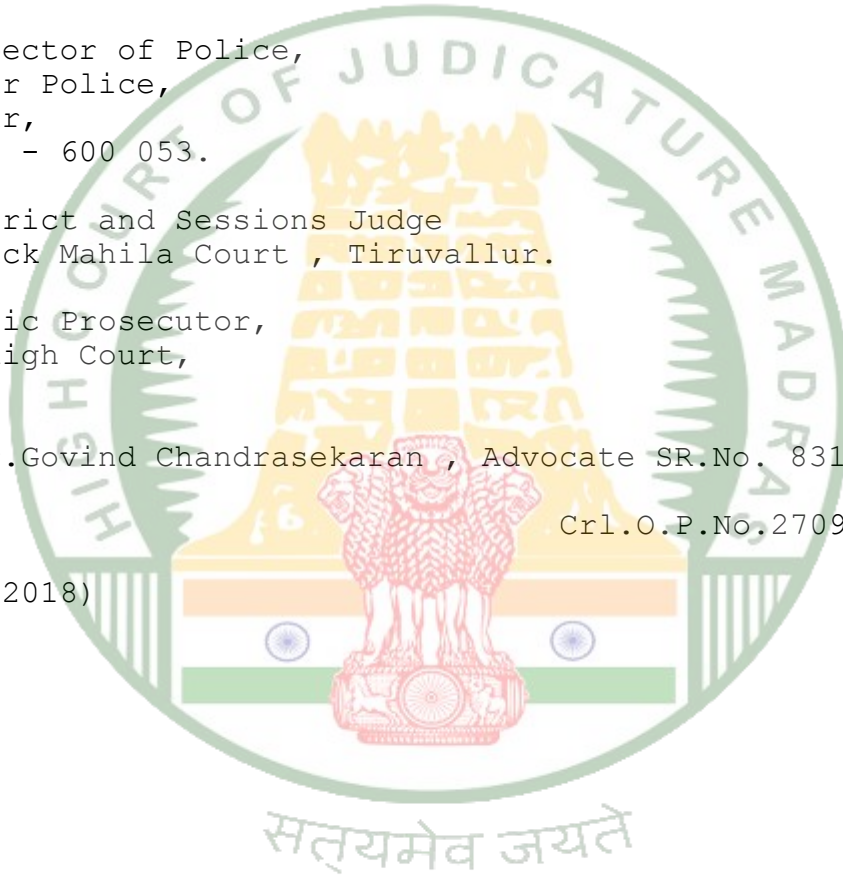
2.The District and Sessions Judge
Fast Track Mahila Court , Tiruvallur.

3.The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Mr.Govind Chandrasekaran , Advocate SR.No. 83120

Cr1.O.P.No.27091 of 2018

ASK(19/12/2018)



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