



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.M.P (MD) No.11567 of 2017

in

CRL.O.P. (MD) No.12042 of 2017

Suthar Sing

... Petitioner/De-facto complainant

-Vs-

1.The Inspector of Police,
Arumuganeri Police Station,
Thoothukudi District. ...1st Respondent / Complainant

2.Selvin ... 2nd Respondent / A2

Prayer: Criminal Miscellaneous Petition filed under Section 482 of Code of Criminal Procedure, to recall the order dated 20.09.2017, made in Crl.O.P.(MD)No.12402 of 2017, which was filed by the second respondent / Accused No.2.

Prayer in CRL OP(MD). 12402/ 2017 :

Criminal Original Petition is filed under Section 482 of Cr.Pc. to direct the 1st Addl District Judge, Tuticorin to expedite the Trial in S.C.No.10/2017 and to complete the same within the stipulated time fixed by this Honorable Court.

For Petitioner : Mr.V.Malaiyendran
For R1 : Mr.Prabhu Ramachandran
Government Advocate

ORDER

This petition is filed by the petitioner for a direction to the I Additional District and Sessions Judge, Thoothukudi, to direct the first respondent herein to file additional final report by taking into consideration the usage of JCB involved in the said crime.

2.It is not in dispute that the complaint was lodged on behalf of the temple, alleging that the accused, by engaging a JCB, has caused damage to the wall of the temple to the tune of Rs.1,00,000/- (Rupees one lakh only). After investigation, charge sheet was filed for the offences under Section 3 of TNPPDL Act, for causing damages. Stating that the damage was caused by the accused by engaging a JCB, the petitioner has filed this petition, for a direction to the respondent police to file additional final report by including the JCB, which was involved in the said crime.



3.It is always open to the petitioner or anyone, who is interested to establish the fact that the damage caused to the property of the temple was more than that was shown in the final report. The usage of JCB is a matter that was recorded even in the complaint. The same, need not be stated in the charge sheet and it can be very well proved by examining witnesses at the time of trial. There is no necessity for filing any additional charge sheet, indicating the engagement of JCB for the purpose of causing damage to the property. In that view, this Court is not inclined to entertain this petition. As a result, this petition is dismissed, with liberty to the petitioner to lead evidence at the time of trial, regarding the engagement of the JCB. In view of the fact that the connected Criminal Original Petition was already closed by this Court by an order dated 29.09.2017 in Crl.O.P.(MD)No.12402 of 2017, the same need not be recalled.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

- 1.The Ist Additional District Judge,
Thoothukudi.
- 2.The Inspector of Police,
Arumuganeri Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL.M.P (MD)No.11567 of 2017
in

CRL.O.P. (MD)No.12042 of 2017
23.02.2018

cmr

JM/GT/SAR 4/12.03.2018/2P/4C