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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.(MD)No.1653 of 2016

and

CRL.M.P.(MD)No.847 of 2016

Mohandoss

... Petitioner/Petitioner

-Vs-

1.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram.

2.The Assistant Superintendent of Police,
Kamuthi Division,
Ramanathapuram District.

3.The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.

... Respondents/Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to pass an order to set aside the Final Report in S.T.C.No.612 of 2015 on the file of the learned Judicial Magistrate, Kamuthi, Ramanathapuram District and further direct the 1st respondent to directing the 2nd respondent to further investigate the case in Crime No.35 of 2015 on the file of the 3rd respondent and file final report afresh.

For Petitioner : Mr.A.Uthayakumar

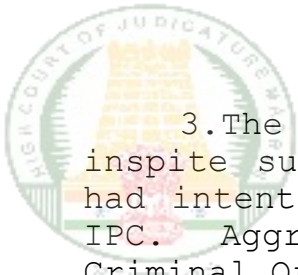
For Respondents : Mr.M.Chandra Sekaran,

Additional Public Prosecutor

ORDER

This petition has been filed challenging the final report in S.T.C.No.612 of 2015 on the file of the Judicial Magistrate, Kamudhi.

2.The learned counsel for the petitioner would submit that the First Information Report was registered in Crime No.35 of 2015 for the offences under Sections 448, 324, 323, 379(NH), 294(b) and 506 (i) IPC. The third respondent had investigated the case and a final report came to be filed, in which the offences mentioned are Sections 448, 323, 294(b) and 506(i) IPC.



3.The learned counsel for the petitioner would submit that inspite sufficient materials being available, the third respondent had intentionally left out the offences under Sections 379 and 324 IPC. Aggrieved by the same, the petitioner has filed the present Criminal Original Petition.

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4.The Court below has framed the charges and the case is at the stage of trial. The witnesses are going to be examined by the Court below and if on their deposition, the Court below finds that an offence under Sections 324 and 379 are made out, the Court below has sufficient powers under Section 216 Cr.P.C to alter and add charges by adding the provisions which were left out in the final report. Therefore, it is not as if the petitioner has lost the opportunity of get these offences being tried in the Court below. The case is only at the stage of final report and charges have been framed based on the final report. If on evidence the Court below finds that there is material for adding certain offences, it can always do so by exercising its power under Section 216 of Cr.P.C.

5.Therefore, this Court finds that there is no necessity to interfere with the final report that has been filed by the third respondent at this stage except by giving liberty to the petitioner to raise alteration of charges at a appropriate stage during trial.

6.Accordingly, this Criminal Original Petition is disposed of with the above direction. Consequently, connected miscellaneous petition is closed.

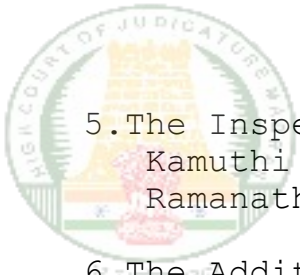
Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar (CS-III)

To

- 1.The Judicial Magistrate,
Kamudhi, Ramanathapuram District.
- 2.The Chief Judicial Magistrate,
Ramanathapuram District.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram.
- 4.The Assistant Superintendent of Police,
Kamuthi Division,
<https://hcservices.ecourts.gov.in/hcservices/>
Ramanathapuram District.



5.The Inspector of Polie,
Kamuthi Police Station,
Ramanathapuram District.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.A.Uthayakumar, Advocate, SR.No.81618

CRL.O.P. (MD) No.1653 of 2016
30.08.2018

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