



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD)No.8134 of 2018

WEB COPY

K.S.Rajan

... Petitioner

-Vs-

1.The Superintendent of Police
Madurai District,
Madurai.

2.The Inspector of Police
Melur Police Station,
Madurai District,
Cr. No.65/2014

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the second respondent to incorporate the 6 accused in Crime No.65/2014 whose name were deleted by the second respondent in final report in STC.No. 554 of 2017 on the file of the learned Judicial Magistrate, Melur and further direct the second respondent to file additional final report.

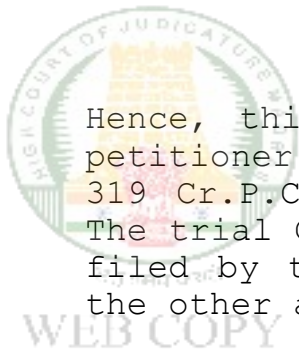
For Petitioner : Mr.P.Venkatesan
For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate(crl.side)

O R D E R

This Criminal Original petition has been filed to direct the second respondent to incorporate the 6 accused in Crime No.65 of 2014 whose name were deleted by the second respondent in final report in STC.No. 554 of 2017 on the file of the learned Judicial Magistrate, Melur and further direct the second respondent to file additional final report.

2. Heard both sides.

3. It is seen that initially the second respondent has registered the case in Crime No.65 of 2014 as against 11 accused and after completion of investigation, filed the final report and the same has been taken cognizance in C.C.No.554 of 2017 as against only 5 accused. Therefore, now the petitioner seeks direction from this Court to incorporate the other accused persons against whom the F.I.R was originally registered. Now the matter is pending for trial in C.C.No.554 of 2017 on the file of the learned Judicial Magistrate, Melur. Therefore, the said direction cannot be granted.



Hence, this Criminal Original Petition is **dismissed**. However, the petitioner is at liberty to invoke the provision under Section 319 Cr.P.C. before the trial Court after examining the witnesses. The trial Court is directed to consider the said application, if any filed by the petitioner with availability of evidence, to implead the other accused persons.

Sd/-

Assistant Registrar (AD-I)

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Sub Assistant Registrar(CS)

Ls

To

1.The Judicial Magistrate,
Melur.

2.The Superintendent of Police
Madurai District,
Madurai.

3.The Inspector of Police
Melur Police Station,
Madurai District,

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

+1 CC to Mr.P. VENKATESAN, Advocate (SR-95648[F] dated 01/11/2019)

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