



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 10.07.2018

DELIVERED ON : 09.08.2018

CORAM :

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.R.C.(MD) No.295 of 2018

and

Crl.M.P.(MD)No.3958 of 2018

Meenakshi

... Petitioner

vs.

1. The Inspector of Police,
C.B.C.I.D.,
The D.S.P. Compound,
Ramanathapuram.

2. Marimuthu

... Respondents

Prayer:- Criminal Revision Petition filed under Sections 397 r/w. 401 of the Code of Criminal Procedure, 1973, to call for the entire records pertaining to the order passed by the Additional District Court, Paramakudi in Cr.M.P.No.100 of 2016 against S.C.No.19 of 2014 dated 20.12.2017 and set aside the same.

For Petitioner	: Mr.M.Kannan
For Respondent No.1	: Mr.K.Suyambulinga Bharathi Government Advocate (Crl. Side)
For Respondent No.2	: No Appearance

ORDER

Heard Mr.M.Kannan, learned counsel appearing for the petitioner and Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl. Side) appearing for the first respondent.

2.This petition has been filed to set aside the order passed by the Additional District Court, Paramakudi in Cr.M.P.No.100 of 2016 against S.C.No.19 of 2014 dated 20.12.2017.

3.The petitioner is the complainant. The case was registered by the first respondent Police against one Marimuthu under Sections 364, 302 and 201 of IPC. The petitioner filed a petition stating that some other persons are also involved in the offence and the case is to be transferred to C.B.C.I.D., for investigation and the petition was dismissed by the trial Court. Against the dismissal



order, the petitioner has filed this revision petition.

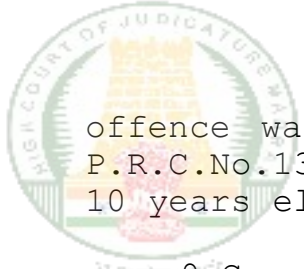
4. On the side of the petitioner, it is stated that the FIR was registered under section 174 of Cr.P.C., and subsequently altered into Sections 364, 302 and 201 of IPC. P.Ws.1 to 3 were examined in the trial Court and they deposed that some other accused also were involved in the offence. Their evidence is clear regarding the connection of other accused. There are two groups of people having election motive. They used to keep chit at tea shop regarding information on steps taken on some revenge. It is stated that in this case also such a chit is placed in the tea shop and the Investigating Agency failed to investigate as to who is the author of the piece of the paper wherein it is stated that body of the son of the defacto complainant was in the occurrence place and the handwriting in the piece of paper is not compared with the handwriting of the Villagers and further investigation by C.B.I., is necessary.

5. On the side of the respondent, it is stated that the prosecution has filed a petition in Cr.M.P.No.100 of 2016 and the lower Court has dismissed the petition as the investigation is already over and that there is no necessity for further investigation.

6. Records perused. The petitioner has approached this Court and filed Crl.O.P.(MD)No.4309 of 2008 and obtained an order on 01.08.2008. Again she has filed Crl.O.P.(MD)No.1239 of 2010 and obtained order on 15.03.2010, wherein it is stated that the case is transferred from the third respondent to the fourth respondent, the Inspector of Police, C.B.C.I.D., the D.S.P. Compound, Ramanathapuram. She has filed another case in Crl.O.P.(MD)No.7440 of 2014 and the Court has ordered on 26.02.2015 for transferring the case from CBCID, Ramanathapuram to some other Agency but the same was dismissed by this Court. After the examination of P.Ws.1 to 3, the first respondent Police filed a petition before the lower Court for impleading four other persons as accused in this case. But the petition was dismissed by the trial Court.

7. On the side of the respondent, it is stated that P.Ws.1 to 3 gave evidence regarding involvement of some other accused also. Whether those accused also have some involvement in the case and participation in the offence can be decided only after completion of the full trial. The first respondent Police did not come forward to file a petition for further investigation or re-investigation. The Police filed the petition only for impleading the other accused also.

8. Records perused. This petitioner has already filed three petitions for transferring the Investigation Agency and for further investigation and those petition are already disposed of. Cr.M.P.No.100 of 2016 was filed only by the first respondent. The first respondent has not come forward to file the revision. The



offence was committed on 2008 and the case was taken on file as P.R.C.No.13 of 2012 and is now pending as S.C.No.19 of 2014. Almost 10 years elapsed.

9. Considering the fact that the petitioner has already approached this Court for similar relief and considering the fact that the first respondent has not come forward to file the revision case, this Court is not inclined to allow this petition and the Criminal Revision Case is dismissed. Consequently, Crl.M.P.(MD) No.3958 of 2018 is closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Additional District Judge, Paramakudi.
2. The Inspector of Police,
C.B.C.I.D.,
The D.S.P. Compound,
Ramanathapuram.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.M.KANNAN, ADVOCATE IN SR No. 78204

MRN

TE/RSK/SAR-2 : 11/09/2018 : 3P/5C

Crl.R.C.(MD) No.295 of 2018
09.08.2018