



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2018

CORAM

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

CRL.R.C. (MD) No.443 of 2018

WEB COPY

Sekar

... Petitioner

Vs

1. The Superintendent of Police,
Trichirappalli District,
Trichirappalli.

2. The Inspector of Police,
Thiruvembur Police Station,
Thiruchirappalli District.

3. Elango

4. Manvalan

5. Prathap

6. Prasanth

... Respondents

PRAYER: Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C, praying, to call for the records relating to the order passed in Cr.M.P.No.4521 of 2016 in S.T.C.No.691 of 2016 dated 21.03.2018 on the file of the Judicial Magistrate No.I, Trichy and set aside the same.

For Petitioner : Mr.V.Karuna

For Respondents 1&2 : Mr.A.Robinson

Government Advocate (Crl.side)

O R D E R

This revision petition is preferred against the order of the trial Court dismissing the petition filed by the revision petitioner to re-investigate the case in Crime No.310 of 2016 on the file of the Thiruvembur Police Station, Trichy.

2.The petitioner herein has made certain allegations against the Investigating Officer attributing motive and bias in the investigation. Therefore, he has sought for change of investigation by some other Officer. The trial Court has rightly dismissed the petition on the ground that the Investigating Agency or Officer cannot be changed at the instance of the accused person and further more, the allegations made against the Investigation Officer are not substantiated.



3.The learned counsel appearing for the revision petitioner would submit that though the medical wound certificate pertaining to the petitioner indicates that one of the injuries is grave in nature, the final report is not for an offence under Section 324 IPC, but for an offence 323 IPC, which indicates that the bias nature of the investigation conducted by the Investigating Officer.

4.Per contra, learned Government Advocate (Crl.side) for the respondents would submit that the investigation has been properly done and if the Court is satisfied from the medical record that the fourth injury indicated in the wound certificate of the petitioner is really grave in nature, it is always open to the Court to frame charge under appropriate Section and conduct the trial.

5.This Court is totally in agreement with the submission made by the learned Government Advocate (Crl.Side).

6.The records are available before the Court and the trial Court shall go through it and frame appropriate charge. It is not the version of the Investigating Officer as found in the final report is the last say. Statute provides leave-way to alter the charge or add the charge any time in the course of trial. Therefore, while dismissing the revision petition seeking to change of investigation, this Court directs the trial Court to go through the records and frame appropriate charges against the petitioner and try the trial.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Judicial Magistrate No.I,
Trichy.

2. The Superintendent of Police,
Trichirappalli District,
Trichirappalli.

3. The Inspector of Police,
Thiruvembur Police Station,
Thiruchirappalli District.

+1cc to Mr.V.Karuna, Advocate SR.No.78897

Rmi

<https://hccvjce.scribd.com/2018/2P/5C>

CRL.R.C. (MD) No.443 of 2018

10.08.2018