



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) No.17899 of 2018
and Crl.M.P. (MD) No.7945 of 2018

C.Anbalagan

: Petitioner

Vs.

1. The Superintendent of Police,
Pudukottai District,
Pudukottai.
2. The Deputy Superintendent of Police,
Alangudi Division,
Pudukottai District.
3. The Inspector of Police,
Keeramangalam Police Station,
Pudukottai District.

: Respondents

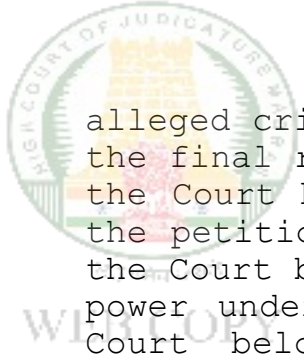
PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and set aside the final report filed by the respondent Police and taken on file as C.C.No.168 of 2015 on the file of the District Munsif cum Judicial Magistrate Court, Alangudi and direct the respondent to conduct reinvestigation in Crime No.47 of 2007 on the file by the respondent and transfer the same to some other officer and file final report afresh within a stipulated period as may fixed by this Court.

For Petitioner	: Mr.M.Karthikeya Venkitachalapathy
For Respondents	: Mr.K.Suyambulinga Bharathi Government Advocate (Crl.side)

ORDER

This petition has been filed seeking to re-investigation of the case in C.C.No.168 of 2015 on the ground that some of the accused were dropped by the respondent police at the time of filing final report.

2.During the course of Trial, the Court below has powers under Section 319 Cr.P.C. to add any person, who is involved in the



alleged crime even if the name of such accused did not find place in the final report. Admittedly, in this case the petitioner is before the Court below as a witness to give evidence. If the evidence of the petitioner makes out a case for addition of persons as accused, the Court below will necessarily consider the same in exercising its power under Section 319 Cr.P.C. This is a power vested with the Court below and this Court is not inclined to exercise its jurisdiction under Section 482 Cr.P.C. In such view of the matter, the petitioner has to work out his remedy only before the Court below.

3. With the above directions, this petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The District Munsif cum Judicial Magistrate,
Alangudi.
2. The Superintendent of Police,
Pudukottai District,
Pudukottai.
3. The Deputy Superintendent of Police,
Alangudi Division,
Pudukottai District.
4. The Inspector of Police,
Keeramangalam Police Station,
Pudukottai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.M.KARTHIKEYA VENKITACHALAPATHY, ADVOCATE IN SR No. 89276

GNS

TE/RP/SAR-4 : 12/11/2018 : 2P/7C

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