

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.1274 of 2019

R.Sathiyanarayanan

.. Petitioner

-vs-

1.The State

Rep. by the Inspector of Police,
D-Nagar,
Gorimedu, Puducherry,

2.The Additional Director General of Police,
CBCID, Pudhucherry.

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct further and fair investigation in Crime No.99 of 2015 from D-Nagar Police Station, Puducherry, which is pending on the file of the Judicial Magistrate Court, at Puducherry, through some other agency like CBCID, Puducherry, other than the 1st respondent herein.

For Petitioner : Mr.G.Mutharasu

For Respondents : Mr.Bharatha Chakravarthi
Public Prosecutor (Puducherry)

ORDER

This Criminal Original Petition has been filed seeking for further investigation. सत्यमेव जयते

2.It is seen from the records that the FIR was registered in Crime No.99 of 2015 for offence under Sections 448, 324 of IPC r/w.34 of IPC. After the investigation, a final report has been filed only as against the accused person along with one unknown person for an offence under Sections 448, 323 IPC r/w.34 IPC. The charges have also been framed and the case is now at the stage of trial.

3.The learned counsel for the petitioner submitted that the other accused have not been added in the final report and the other offences have also not been mentioned/entered in the final report and the entire investigation was not conducted in a

proper manner. Therefore, change of investigation has been sought for.

4.This Court is not in a position to grant the relief sought for by the petitioner since the case is already at the stage of trial. If in the course of trial, any evidence is brought forth to prove the involvement of any other accused person and commission of any other offence, the Court below is always entitled to exercise its jurisdiction under Section 216 of Cr.P.C. to alter the charges and under Section 319 of Cr.P.C. to add the accused persons.

5. In view of the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

- 1.The the Inspector of Police,
D-Nagar,
Gorimedu, Puducherry,
- 2.The Additional Director General of Police,
CBCID, Pudhucherry.
- 3.The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.G.Mutharasu, Advocate, S.R.No.4806

+1cc to the Public Prosecutor, S.R.No.4832

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GSP(11/02/2019)