

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:12.02.2019
CORAM
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
CRL.O.P.No.3739 of 2019
and Crl.M.P.No.2337 of 2019

G.Ravi

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Villupuram District.

2.The Inspector of Police,
Kanai Police Station,
Villupuram District

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the first respondent to conduct further investigation pending in C.C.No.64 of 2018 before the Judicial Magistrate No.I, Villupuram and file additional charge sheet.

For Petitioner : Mr.K.Arunagiri

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction the first respondent to conduct further investigation pending in C.C.No.64 of 2018 before the Judicial Magistrate No.I, Villupuram.

2.The learned counsel for the petitioner would submit that the petitioner is the defacto complainant/father-in-law of deceased Sakthivel. The petitioner lodged a complaint before the respondent police. Sakthivel and Murugan were the load men of Tractor Tipper bearing registration No.TN 55 Y 2072. When the Tractor Tipper was carrying with straw from Thirukovilur to Villupuram, at that time, the driver of the said Tractor, drove the vehicle in a great speed and applied sudden break, due to which the Tractor Tipper collapsed. The load man Sakthivel sustained grievous injury and thereafter died.

3.It is the specific case of the petitioner that when the accident took place, one Murugan was also seated along with the deceased Sakthivel as the load man and though the presence of Murugan was stated in the First Information report, the

Investigating Officer did not enquire the said Murugan and did not implead him as a witness to this crime. Without even enquiry of the said Murugan, they filed a charge sheet and the same has been taken cognizance in C.C.No.64 of 2018, on the file of the learned Judicial Magistrate, Villupuram. Therefore, the petitioner sought for a direction to the respondent police to enquire the said Murugan as one of the witness in this case.

4.The learned Additional Public Prosecutor also pointed out that even in the FIR, the said Murugan name is found that he also travelled along with the deceased as the load man.

5.Considering the above facts and circumstances, the said Murugan being the eyewitness to the occurrence, he has to be necessarily cited as a witness of the crime. But the respondent police failed to do. Therefore, this Court deems fit to direct the respondent police to cite the said Murugan, who travelled along with the deceased in the Tractor Tipper as the witness in this case.

6.Accordingly, the respondent is directed to record the statement from the said witness and file further final report in C.C.No.64 of 2018. Upon filing the same, the learned Judicial Magistrate, Villupuram is directed to take on file and implead the said Murugan as the witness in this case.

7.With the above directions, this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(J)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

rpl/sbn

To

1.The Judicial Magistrate No.1, Villupuram.

2.The Superintendent of Police,
Office of the Superintendent of Police,
Villupuram District.

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3.The Inspector of Police,
Kanai Police Station,
Villupuram District

4.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.K.Arunagiri, Advocate sr.no.12048, 12467

Cr1.O.P.No.3739 of 2019

nr 19/03/2019



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