

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 13.06.2019
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
Crl.O.P. No.15032 of 2019 &
Crl.M.P.No.7370 of 2019

Thasthagir

.. Petitioner

.vs.

The State
Rep. by the Inspector of Police,
T-6, Police Station, Nehru Bazaar,
Avadi, Chennai-54.

..Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to take further investigation in respect of damage of property under public contemplated Section 173(8) of Cr.P.C. and to file additional Charge Sheet in C.C.No.240 of 2018 before the Judicial Magistrate II, Poonamallee.

For Petitioner : Mr.P.Vijendran

For Respondent : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor

ORDER

This petition has been filed seeking for further investigation under Section 173(8) of Cr.P.C.

2.The petitioner is the defacto complainant and he was eking out his livelihood from the income which he derives from the bunk shop.

3.According to the petitioner, the entire bunk was dismantled and taken away and thereby the accused persons had committed an offence under Sections 341, 294(b), 427, 352 of IPC. Based on the complaint given by the petitioner, an FIR was registered in Cr. No.1574 of 2017. The investigation was completed and a final report was also filed before the Court below and the same has been taken on file in C.C.No.240 of 2018.

4.The grievance of the petitioner is that the value of the property that was lost is more than a lakh of rupees and whereas, the police valued only a sum of Rs.500/- . The other grievance of the petitioner is that the allegation made in the

complaint and the materials collected in the course of investigation, clearly makes out a case under Tamil Nadu (Prevention of Property Damage and Loss) Act, 1992 (hereinafter referred to as TNPPDL Act). The learned counsel submitted that this provision ought to have been added at the time of filing of the final report. Since the same has not been done, a further investigation should be ordered.

5.The learned Additional Public Prosecutor submitted that the respondent police have filed a final report based on the materials collected during the investigation. The learned counsel submitted that even though the offence under Section TNPPDL Act has not been added in the final report, the Court below has got wide powers under Section 216 of Cr.P.C. to add or alter the charge at any stage of the case and therefore, it does not require a further investigation.

6.This Court has carefully considered the submissions made on either side and materials placed on record.

7.Insofar as the value of the property is concerned, it is left open to the Court below to come to its conclusion based on the materials collected by the prosecution and the evidence adduced during the course of trial. Similarly, for the purpose of adding an offence under TNPPDL Act, it is not necessary to order for further investigation and the Court below itself has got wide powers under Section 216 of Cr.P.C. to add or alter the charges. If the Court below is satisfied that the materials collected during investigation or the evidence collected during the trial makes out an offence under TNPPDL Act, the relevant provision can always be added as a charge.

8. In view of the above discussion, this Court is not inclined to order for further investigation and it is left upon to the Court below to consider the grievance of the petitioner during the course of proceedings and take decision in accordance with law.

9.This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate No.II,
Poonamallee.

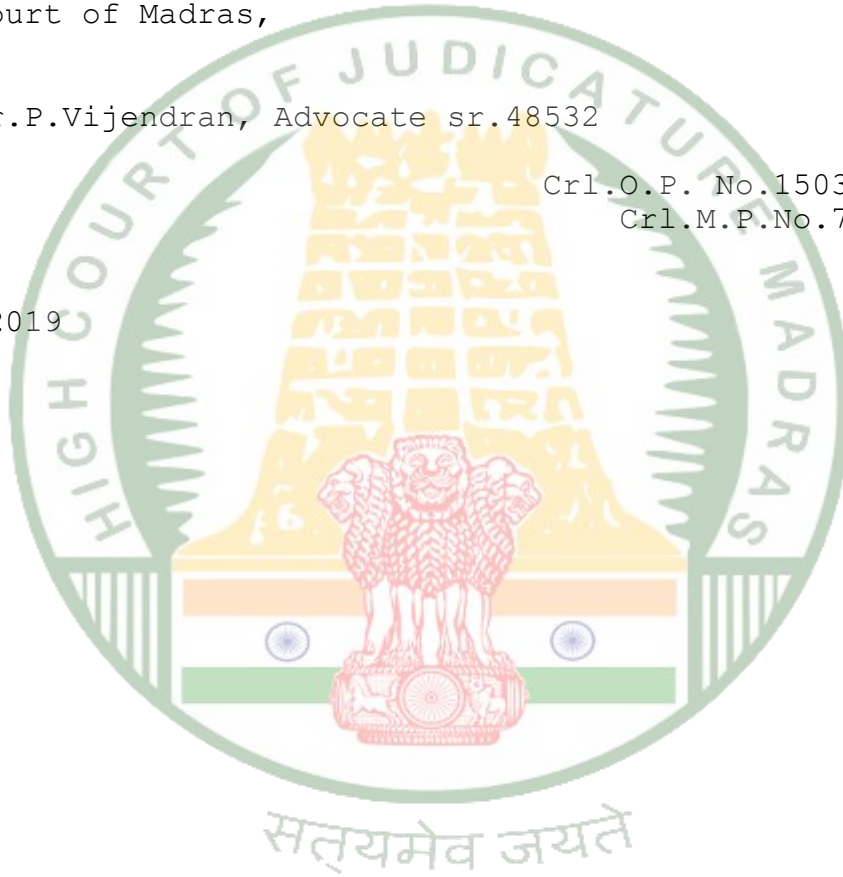
2.The Inspector of Police,
T-6, Police Station, Nehru Bazaar,
Avadi, Chennai-54.

3.The Public Prosecutor,
High Court of Madras,
Madras.

+1cc to Mr.P.Vijendran, Advocate sr.48532

Crl.O.P. No.15032 of 2019 &
Crl.M.P.No.7370 of 2019

ss(co)
nr 17/06/2019



WEB COPY