

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.06.2019

CORAM
THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.15502 of 2019
and
Crl.M.P.No.7669 of 2019

S.Geetha

... Petitioner

Vs.

The State of Tamilnadu rep.by,
Sub-Inspector of Police,
AWPS, Kallakurichi Police Station,
Villupuram District.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent to consider the petitioner's representation dated consequently include the available witnesses namely Lakshmi, Sakira, Rama, Mariammai in C.C.No.67 of 2018 pending on the file of Learned Judicial Magistrate No.1, Kallakurichi.

For Petitioner : Mr.S.N.Subramani

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

This petition has been filed for a direction to the respondent police to consider the representation made by the petitioner and to include certain witnesses in the case for examining them in the course of Trial.

2.It is seen from records that the petitioner is the defacto complainant and based on her complaint an F.I.R came to be registered in Crime No.16 of 2017. The investigation was completed and a final report was also filed before the Trial Court for an offence under Sections 294(b), 341, 406, 506(2) IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002.

3.It is the grievance of the petitioner that certain material witnesses, ought to have been examined by the prosecution are not shown in the list of witnesses and therefore the representation was made to the respondent police to include those witnesses.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

5. The petitioner as a defacto complainant is always at liberty to file an application under Section 301 of Cr.P.C before the Court below to assist the prosecution. While assisting the prosecution, it is always left open to the petitioner to bring to the notice of the prosecutor to examine certain witnesses whose names are not shown in the list of witnesses. That would be a proper way of approach instead of making representation to the respondent police. In fact by resorting to this procedure, it will enable the Court below also to take a decision with regard to examination of additional witnesses.

6. This Criminal Original Petition is disposed of with a direction to the petitioner to workout her remedy in the manner suggested by this Court hereinabove and proceed in accordance with law. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

jas/vs

To

1. The Sub-Inspector of Police,
AWPS, Kallakurichi Police Station,
Villupuram District.

2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.15502 of 2019
and

Crl.M.P.No.7669 of 2019

NMI (CO)

RRS (05/07/2019)

WEB COPY