



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.07.2019

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.19624 of 2019
and Crl.MP No.10048 of 2019

Paulraj

..... Petitioner /Accused No.1
Vs.

State Represented by
The Inspector of Police,
Central Crime Branch Team - 8,
Anti-job Rocketing Wing,
Vepery, Chennai 600 007.

....Respondent / complainant

Prayer: Criminal Original Petition has been filed to direct the respondent herein to array the said Ziaudeen and Muthu @ Muthukumarasamy as accused in C.C.No.120 of 2019 on the file of the learned Judicial Magistrate No.1, Poonamallee.

For Petitioner : Mr.A.M.Rahamath Ali

For Respondent : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed seeking for an interesting relief.

2. The petitioner is an accused facing trial before the Court below in CC No.120 of 2019. The respondent police have filed a final report against five named accused persons and the petitioner is shown as A1.

3. The learned counsel for the petitioner submitted that the five accused persons, who have been named in the final report are only the agents and the respondent police have intentionally left out two main accused persons, for whom the five named accused persons have acted as agents. The learned counsel for the petitioner submitted that as an accused person, the petitioner cannot file any petition before the Court below seeking for any further investigation or seeking for adding another person as an accused. Therefore, left with no other option, the petitioner has approached this Court seeking for necessary directions.



4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the relief sought for by the petitioner is beyond the scope of the Code of Criminal Procedure and therefore, this Court cannot grant the relief as sought for by the petitioner.

5. This Court has carefully considered the submissions made on either side and the materials available on record.

6. It is the specific case of the petitioner that two main accused persons have been left out from the final report and it is only for those two accused persons, the five accused persons who have been named in the final report were acting as agents.

7. The Court below in the course of trial, on the basis of the materials collected by the prosecution and on the basis of the materials collected during the enquiry or trial, can add any person as an accused under Section 319 of Cr.PC. The Court below therefore can see if there are materials as against the two accused persons, who are said to have been left out by the respondent police in the course of investigation. If there are materials, the Court has very wide powers under Section 319 of Cr.PC to add them as accused. Even though, this Court is not in a position to grant the relief as prayed for by the petitioner, this Court directs the Court below to take a decision on the same, based on the materials collected during the course of enquiry and trial.

8. This Criminal Original petition is disposed of with the above directions. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

rka

To

1. The Inspector of Police,
Central Crime Branch Team - 8,
Anti-job Rocketing Wing,
Vepery,
Chennai 600 007.



2.The Judicial Magistrate -I,
Poonamallee.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.M.Rahamath Ali, Advocate, S.R.No.63419

Cr1.O.P.No.19624 of 2019

MR (CO)

RRS (31/07/2019)