

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.22425 of 2019

P.Krishnaveni

... Petitioner

Vs.

State, rep. by

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Salem District, Salem.
- 2.The Assistant Superintendent of Police
Office of ASP (Rural)
Salem District.
- 3.The Inspector of Police,
Ercaud Police Station,
Salem District.
- 4.Karthick
- 5.Sivan
- 6.Meenatchi
- 7.Dhanapal

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, praying to direct the Respondents No.1 to 3 to enquire and investigate the case properly by filing additional charge sheet to array the 7th respondent as accused in this case and further to investigate the case under The Protection of Children from Sexual offences Act 2012 and The Prohibition of Child Marriage Act 2006.

For Petitioner : Mr.D.Mario Johnson

For Respondents: Mr.Mohammed Riyaz,
Additional Public Prosecutor for R1 to R3

O R D E R

This petition has been filed seeking for a further investigation and to file an additional charge sheet in the case that is pending in S.C No.163 of 2017, on the file of the Additional Mahila Court, Salem.

2. The grievance of the petitioner is that in all the statements recorded by the Investigating Officer, the name of one Dhanapalan has been specifically mentioned and he has not been added as an accused in this case.

3. The other grievance expressed by the petitioner is that the deceased was aged about 16 years and therefore, the offence under POCSO is also attracted.

4. Both the above infirmities are continuing and inspite of the same, the Court below is proceeding further with the trial. Therefore, the present petition has been filed before this Court seeking for further investigation and to file an additional charge sheet.

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

6. If, on the materials that is collected during the enquiry / trial, the trial Court comes to a conclusion that the additional charges will have to be framed, sufficient powers are available under Section 216 of Cr.P.C and there is no requirement to conduct a further investigation for this purpose.

7. Similarly, if any person who ought to have been made as an accused person has been omitted and in the course of trial, the trial Court finds sufficient materials to add any person as an accused, it can always exercise its powers under Section 319 of Cr.P.C. There is no requirement for the further investigation for this purpose also.

8. The grievance expressed by the petitioner can be addressed by the trial Court itself by exercising its jurisdiction under Section 216 of Cr.P.C and 319 of Cr.P.C and for this purpose, no further investigation or additional charge sheet is required.

9. This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar

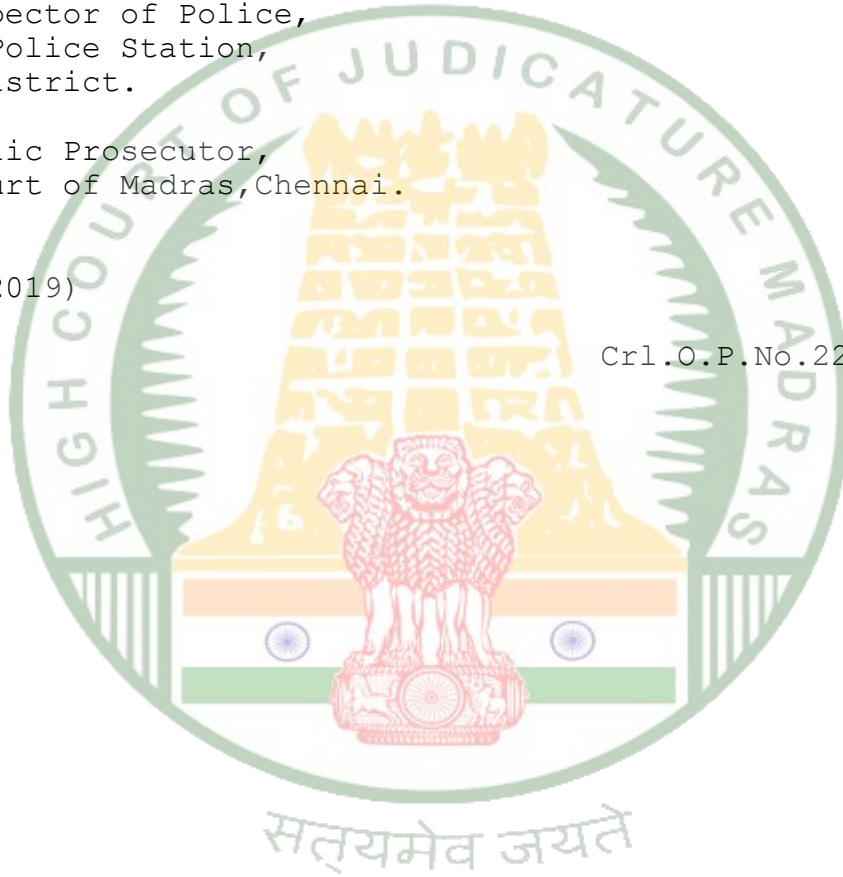
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To:

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Salem District, Salem.
- 2.The Assistant Superintendent of Police
Office of ASP (Rural)
Salem District.
- 3.The Inspector of Police,
Ercaud Police Station,
Salem District.
- 4.The Public Prosecutor,
High Court of Madras, Chennai.

NRL (CO)
CB (27/09/2019)

CrI.O.P.No.22425 of 2019



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