

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.5304 of 2018

P.Selvarasu

.. Petitioner

Vs.

1.The Superintendent of Police,
Cuddalore District.

2.The Sub-Inspector of Police,
Ramanatham Police Station.

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent to take necessary steps in Crime No.2 of 2017 and sponsor to record the witnesses statement of the petitioner and his two sons, injured witnesses Rajan and Vetrivel by the Judicial Magistrate concerned to secure the ends of justice.

For Petitioner : Mr.M.Velmurugan

For Respondents: Mrs.P.Kritika Kamal
Government Advocate
(Cr1.Side)

ORDER

This case is taken up through video conferencing.

2. This criminal original petition has been filed to direct the second respondent to take necessary steps in Crime No.2 of 2017 and sponsor to record the witnesses statement of the petitioner and his two sons, injured witnesses Rajan and Vetrivel by the Judicial Magistrate concerned to secure the ends of justice.

3. On a complaint lodged by Selvarasu, the police registered a case in Crime No.2 of 2017 on 01.01.2017 for the offences under Sections 147, 148, 294(b), 323, 324 and 307 IPC against five accused.

4. Not satisfied with the progress in the investigation, the petitioner filed the present petition under Section 482 Cr.P.C., for a direction to the police to record the statements of Rajan and Vetrivel under Section 164 Cr.P.C.

5. When the matter was taken up for hearing, Mrs.P.Kritika Kamal, learned Government Advocate (Crl.Side) appearing for the respondents submitted that the investigation in Crime No.2 of 2017 was completed and final report was filed before the jurisdictional Magistrate and process was issued against the five accused named in the FIR. Since, Manikkam (A2), Murugesan (A4) and Dhanalakshmi (A5) were absconding, the case against them was split up and the case against Chellakaruppan (A1) and Vicki (A3) was taken on file as C.C.No.118 of 2017 before the Judicial Magistrate Court, Thittakudi and they were convicted and sentenced. The split up case against the three absconding accused was numbered as C.C.No.104 of 2017.

6. In the opinion of this Court, a direction under Section 482 Cr.P.C. cannot be given to the police as to the steps they should take during investigation.

7. In view of the aforesaid developments in the case and in the light of the law enunciated above, the prayer of the petitioner cannot be conceded.

In the result, this criminal original petition is closed.

31.08.2020

nsd

To

1. The Judicial Magistrate,
Thittakudi.

2. Do thro the Chief Judicial Magistrate, Cuddalore.

3. The Superintendent of Police,
Cuddalore District.

4. The Sub-Inspector of Police,
Ramanatham Police Station.

5. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.5304 of 2018

A.SK(06/10/2020)