

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2020

CORAM

THE HONOURABLE MR. JUSTICE T.RAVINDRAN

Crl OP.No.29969 of 2019

G. Loganathan

...Petitioner

Vs.

1. The Superintendent of Police
Sathuvacheri, Vellore

2. State rep. by
The Inspector of Police
K.V. Kuppan Police Station
Vellore District

...Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.PC praying to direct the 2nd respondent to conduct further investigation in respect of report filed in CC No.124/16 on the file of the Judicial Magistrate, Gudiyatham, Vellore and further direct the 2nd respondent to produce additional witness along with additional documents.

For Petitioner : Mr. D. Rajagopal

For Respondents : Ms. S. Thankira
Government Advocate (crl. side)

ORDER

This Criminal Original Petition has been preferred seeking for a direction to the second respondent to conduct further investigation in respect of the final report filed in C.C. No.124/16 on the file of the Judicial Magistrate Court, Gudiyatham, Vellore.

2. From the materials placed on record, it is found that following the investigation conducted in Crime No.276/2014, the charge sheet has been laid and the matter has been taken on file in CC No.124/16 on the file of the Judicial Magistrate Court, Gudiyatham. It is represented that the trial in the abovesaid case is in progress. Now according to the petitioner/defacto complainant, the eye witness cited by the prosecution, namely, Natarajan, is no more and therefore, the prosecution should be directed to include two more persons as witnesses to the

occurrence and on that basis, sought for reinvestigation in the matter. However, considering the materials placed on record and the contention put forth by the Government Advocate, when there is no valid and acceptable material pointing to the fact that the persons named in the petition, namely, Yoganathan and Aravinthan have witnessed the occurrence, in such view of the matter, the contention put forth by the petitioner's counsel that the respondent Police has not conducted proper investigation in the matter and therefore the matter requires further investigation, as such, cannot be acceded to. The respondent police cannot be directed to include the names of the persons who had not witnessed the occurrence, particularly, when the defacto complainant himself has not averred before the respondent police that the two persons, now cited by him, had witnessed the occurrence.

3. In the light of the abovesaid factors, I do not find any valid material for directing the respondent police to conduct further investigation in the matter, particularly, when they have conducted fair investigation in the matter and filed the charge sheet before the competent court.

4. For the reasons aforesated, there is no merit in the Criminal original Petition. Hence, the Criminal Original Petition is dismissed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

bga

Copy to

1. The Judicial Magistrate, Gudiyatham, Vellore

2. The Superintendent of Police
Sathuvacheri, Vellore

3. State rep. by
The Inspector of Police
K.V. Kuppam Police Station
Vellore District

4. The Public Prosecutor, High Court, Madras

Cr1 OP.No.29969 of 2019

VSNI(CO)
SP(28/10/2020)