

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.630 of 2021

Aravinth Ramalingam

...Petitioner/Accused

Vs.

1.The Commissioner of Police,
Chennai City Police,
No.132, EVK Sampath Salai,
Vepery, Chennai-600 007.

2.The Deputy Commissioner of Police,
Central Crime Branch,
No.132, EVK Sampath Salai,
Vepery, Chennai-600 007.

3. State Rep. By
The Inspector of Police,
Team-VII, Fake Passport Wing,
Central Crime Branch,
No.132, EVK Sampath Salai,
Vepery, Chennai-600 007.

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C.directng the third respondent Inspector of Police, Team-VII, Fake Passport wing, Central Crime Branch, Chennai to grant permission to the petitioner/accused to appear through video conferencing Mode and also grant sufficient time for the purpose of physical appearance to comply the Notice dated 30.10.2020 issued under Section 41(A) Cr.P.C. by the third respondent for interrogation.

For Petitioner : Mr.D.Vijaya Babu
For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

The present petition has been filed for a direction to the third respondent to grant permission to the petitioner to appear through video conferencing and to grant the petitioner sufficient time to appear before the third respondent in order to cooperate for the investigation.

2. In the considered view of this Court, a prayer of this nature is not maintainable under Section 482 of Cr.P.C. Section 482 of Cr.P.C. only contemplates three contingencies to entertain a petition namely,

a. To make such orders necessary to give effect to any order passed under the Code of Criminal Procedure;

b. to prevent abuse of process of any Court exercising its jurisdiction under the Code of Criminal Procedure; and

c. to secure the ends of justice which must be read ejusdem generis along with a and b.

3. It is therefore evident that power under Section 482 of Code of Criminal Procedure can be exercised by the High Court in relation to the matter pending before a Court. It cannot be used for issuing directions to the executive and the same is beyond the scope of Section 482 of Cr.P.C. Useful reference can be made to the Judgment of the Hon'ble Supreme Court in case of the State of West Bengal Vs. Sujit Kumar Rana reported in 2004 (4) SCC 129.

4. In the present case, the petitioner is seeking for a direction to the investigation officer and such a petition can never be maintained under Section 482 of Cr.P.C. The Registry is directed not to number any petition of this nature under Section 482 of Cr.P.C. and the petitions of this nature shall be directed to be filed only as a Writ Petition under Article 226 of Constitution of India.

5. In the result, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

rli

To

1. The Commissioner of Police,
Chennai City Police,
No.132, EVK Sampath Salai,
Vepery, Chennai-600 007.

WEB COPY

2. The Deputy Commissioner of Police,
Central Crime Branch,
No.132, EVK Sampath Salai,
Vepery, Chennai-600 007.

3.The Inspector of Police,
Team-VII, Fake Passport Wing,
Central Crime Branch,
No.132, EVK Sampath Salai,
Vepery, Chennai-600 007.

4.The Public Prosecutor,
High Court of Madras.

Copy To:

1.The Assistant Registrar
Criminal Section
High Court, Madras.

2.The Assistant Registrar
Writ Section
High Court, Madras

+1cc to Mr.D.Vijaya Babu, Advocate, S.R.No.2953.

Cr1.O.P.No.630 of 2021

RGN (CO)
NRA (17/02/2021)

सत्यमेव जयते

WEB COPY