

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.02.2021
CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.1866 of 2021
and Crl. MP. No.1063 of 2021

Dr.S.Palanivel, B.H.M.S., M.D.,
Jeeva Mahesh Homeo Clinic
Shop No.7, Municipality Shopping Complex,
Daily Vegetable Market,
Old Bus Stand, Perambalur ... Petitioner

vs.

1. The Superintendent of Police,
Perambalur.

2. The State Rep. By
The Inspector of Police,
Perambalur,
(Cr. No.705/2019)

3. N.Valayabathy ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent police to conduct further investigation and file an additional charge sheet in C.C.90 of 2020 on the file of Judicial Magistrate-1, Perambalur in related to Crime No.705/2019 on the file of 2nd respondent police on the basis of materials and CCTV Camera footage submitted by the petitioner.

For Petitioner : Ms.Usha Ramman

For Respondent : Mr.M.Mohammed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed seeking for a direction to the second respondent to conduct further investigation and file additional Report before the Court in CC. No.90 of 2020.

2. Heard Ms.Usha Ramman, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor, appearing for the respondents 1 & 2.

3. The grievance of the petitioner is that the investigation officer did not take into consideration certain vital materials and the CCTV Camera footage submitted by the

petitioner and as a result of the same, there is a defective final report filed before the Court below. Hence the petitioner is seeking for a further investigation by the second respondent in order to take into consideration, the materials that are supplied by the petitioner and thereafter file an additional report.

4. In the considered view of this Court, pursuant to the judgment of the Hon'ble Supreme Court in *Vinubhai Haribhai Malaviya v. State of Gujarat*, reported in 2019 (3) Mad LW CrI. 349, the Court below has the power to pass orders for further investigation even after taking cognizance of the Final Report, till the commencement of the trial.

5. In view of the above, liberty is granted to the petitioner to move an appropriate application before the Court below seeking for further investigation and the Court below shall consider the same on its own merits and in accordance with law.

6. This Criminal Original Petition is disposed of accordingly. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.I,
Perambalur.

2. The Superintendent of Police,
Perambalur.

3. The Inspector of Police,
Perambalur Police Station,
Perambalur.

4. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

AKM/25.02.21/ 2P-5C/

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