

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.01.2021

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.967 of 2016

S.Taj Nisha
W/o.M.Jabarulla Khan

...Petitioner

Vs.

1. State represented by its
Inspector of Police
R-1 Mambalam Police Station
Chennai
(Ref:R-1 P.S. Crime No.1795 of 2014)

2. Shri. Naina Mohamed,
S/o.Musthafa

(2nd respondent is impleaded as per
the order of this Hon'ble Court
dated 26.10.2018 made in
Crl.M.P.No.14108 of 2018
in Crl.O.P.No.967 of 2018)

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of
Criminal Procedure Code to direct the respondent to conduct
further investigation in Cr.No.1795 of 2014 on the file of the
respondent police.

For Petitioner : Mr.H.Manivannan

For Respondent : Mr.C.Iyyappa Raj

Additional Public Prosecutor

for R2 : No appearance

O R D E R

(The case has been heard through video conference)

This Criminal Original Petition has been filed seeking to
direct the respondent to conduct further investigation in Crime
No.1795 of 2014 on the file of the respondent police and pass
further orders.

2. The petitioner is presently the sole accused facing trial
for offence under Section 302 IPC which is pending on th file of
the learned Session Judge, Mahila Court, in S.C.No.117 of 2015.

3. It is the contention of the learned counsel appearing for the petitioner that the investigation has been done with an intention to safeguard and protect some other persons who have committed the offence and that certain important facts have not been properly investigated by the respondent and the final report has been filed against the petitioner in a slipshod manner. Aggrieved by the same, the petitioner had filed a petition before the learned Sessions Judge in C.M.P.No.10719 of 2015 in S.C.No.117 of 2015 under Section 173(8) Cr.P.C. to direct the respondent to conduct further investigation. The trial Judge without taking into consideration the submission made by the petitioner had dismissed the same. The learned Counsel would submit that though various legal grounds have been taken for seeking further investigation, now the petitioner is not pressing the application for further investigation and he would seek liberty to raise all this grounds before the trial Court at the appropriate stage of trial.

4. The learned Additional Public Prosecutor would submit that the petitioner had earlier approached the trial Court seeking for further investigation and the same has been dismissed and thereafter, the present petition has been filed before this Court under Section 482 Cr.P.C. He would submit that only revision has to be filed against the order of dismissal. Further, the grounds raised by the petitioner is only the defence theory and they have no relevance in seeking for further investigation and the defence can be raised by the petitioner only at the appropriate stage during trial if necessary.

5. Taking into consideration, the facts and submissions made by the learned Counsels, this Criminal Original petition stands dismissed granting liberty to the petitioner to raise all the grounds during trial at the appropriate stage. Since, the Sessions case is of the year 2015, the learned Sessions Judge/Mahila Court Chennai is directed to accord priority to the trial in SC.No.117 of 2015.

Sd/-

Assistant Registrar

//True Copy//

ksa-2
To

Sub Assistant Registrar

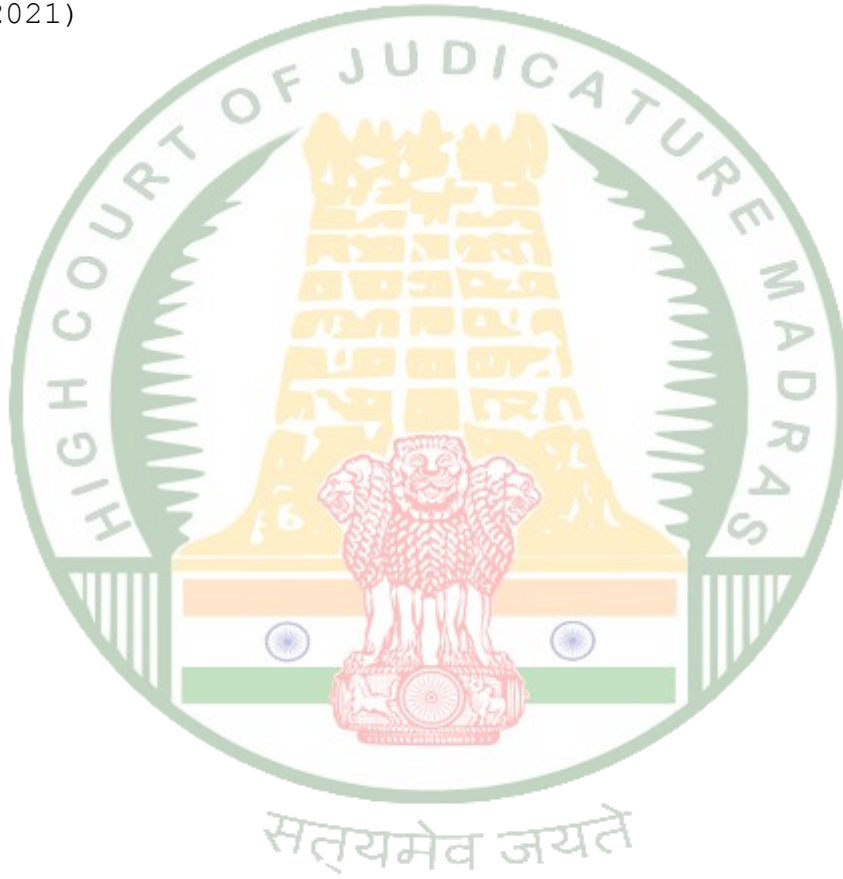
1. The Inspector of Police
R-1 Mambalam Police Station
Chennai

2. The Public Prosecutor
High Court of Madras
Chennai

Copy to:
The Sessions Judge,
Mahila Court,
Chennai.

Cr1.O.P.No.967 of 2016

mg (CO)
rv(11/02/2021)



WEB COPY