

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2021

C O R A M

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.1167 of 2020

1.Mrs.Leela
2.Mrs.Libera
3.Mrs.Rathnam

...Petitioners

Vs.

1. State rep.by the
Inspector of Police,
W-20 All Women Police Station,
Adyar,
Chennai - 20.

2. Mrs.Arul Nisha

...Respondents

PRAYER: Criminal Revision Petition Case filed under 397 r/w 401 of Cr.P.C. to set aside the order passed in Crl.M.P.No.244 of 2020 in C.C.No.4 of 2019 (now renumbered as C.C.No.311 of 2020) dated 03.03.2020, on the file of the learned Magistrate of Mahila Court, Alandur.

For Petitioners : No appearance
For Respondents : Mr.A.Madhan
Government Advocate (Crl.Side)

* * *
O R D E R

The first respondent-Police filed a petition in Crl.M.P.No.244 of 2020 in C.C.No.311 of 2020 to receive additional documents before the learned Additional Mahila Judge, Alandur and the said petition was allowed by the learned Judge, by an order dated 03.03.2020. Challenging the said order, the petitioners/accused are before this Court.

2. When the Criminal Revision came up for admission, this Court ordered notice to the second respondent, returnable by 21.12.2020. On 21.12.2020, this Court permitted the learned counsel for the petitioners to take private notice to the second respondent, returnable by 07.01.2021. Today when the matter came up for hearing, none appeared for the petitioners to represent their case and no proof of service is filed.

3. The said petition in CrI.M.P.No.244 of 2020 was objected by the petitioners/accused before the learned Additional Mahila Judge, Alandur that the investigation officer has not given any intimation to the Court regarding investigation, hence, it is abuse of process of Court.

4. The learned Additional Mahila Judge, Alandur, citing the reliance of the Hon'ble Supreme Court in the case of Ram Chandlay Case, 2009 (6), SCC 346 and R.S.Pai 2002 (5) SCC 82, allowed the petition, subject to proof of relevancy and on condition, the petitioners/respondents objection will be elucidated at the time of trial and end of case.

5. It is settled principles of law that granting permission to the police for further investigation, there is no legal obligation for the Court to hear the accused before any such direction is made. It is also settled principles of law that power of the Police to conduct further investigation, after laying final report, is recognized under Section 173(8) of the Code of Criminal Procedure.

6. In the case on hand, the learned Judge, by rightly following the principles laid down in Ram Chandlay Case, 2009 (6), SCC 346 and R.S.Pai 2002 (5) SCC 82, allowed the petition. The terms contained in Section 173(8) of Cr.P.C., the investigation Officer has got power to take further investigation and there is no need to accord audience to the accused. The Hon'ble Supreme Court also held that while dealing with the petition filed for additional documents, liberal view has to be approached and the documents can be received and relevancy of the documents can be decided only at the time of pronouncing judgments.

7. In such a view of the matter, there is no circumstance warranting interference to the order passed by the learned Additional Mahila Court, Alandur, which deserved to be confirmed and accordingly, it is confirmed. In the result, this Criminal Revision Petition is dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rns

To

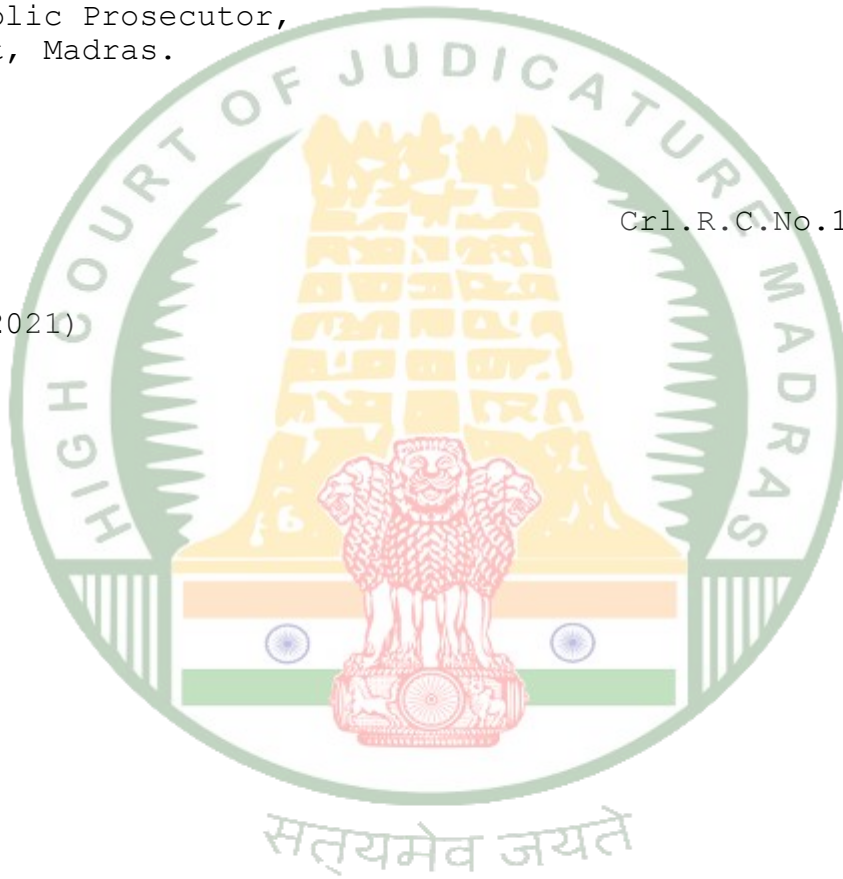
1. The Judicial Magistrate,
Additional Mahila Court,
Alandur.

2. The Inspector of Police,
W-20 All Women Police Station,
Adyar,
Chennai - 20.

3. The Public Prosecutor,
High Court, Madras.

Crl.R.C.No.1167 of 2020

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



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