



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2021

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.161 of 2021

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R.Sathiya

: Petitioner/Petitioner

Vs.

The State rep. by
The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
(Crime No.1402/2015)

: Respondent/Respondent

Prayer: Criminal Revision has been filed under section 397 and 401 of Criminal Procedure Code, against the order passed in Cr.M.P No.Unnumbered of 2021 in Crime No.1402 of 2021, dated 02.02.2021 on the file of the Mahila Court (Magisterial Level), Nagercoil.

For Petitioner : Mr.S.Ramasamy

For Respondent : Mr.P.Kottaisamy
Standing counsel for
State Government (Crl. Side)

O R D E R

This Criminal Revision is directed against the order passed in Cr.M.P No. Unnumbered of 2021 in Crime No.1402 of 2021, dated 02.02.2021 on the file of the Mahila Court (Magisterial Level), Nagercoil.

2.It is seen from the records that the petitioner herein filed a petition under section 156(3) of Cr.P.C before the Mahila Court (Magisterial Level), Nagercoil, seeking for further investigation in respect of Crime No.1402 of 2012, since during investigation, the respondent police did not recover the unfilled cheque leaves, stamp papers and unfilled signed white sheets from the accused person namely Lingamuthu. The said petition was dismissed by the trial court, on 02.02.2021 stating that the enquiry case was taken cognizance in JM II, Nagercoil, on 24.03.2015 and charges were framed and summons issued to LW1 to LW3 and the case was transferred to this court in 2018 and pending for appearance of LW1 to LW3, as to this stage, this application for further investigation is not maintainable. Aggrieved by the said order, the petitioner is before this court.

3.Heard the learned counsel appearing on either side and perused the materials available on record.

4.The learned counsel appearing for the petitioner/complainant argued that the investigation done by the respondent police is totally biased and the respondent police has



not conducted the investigation in a fair and proper manner and the respondent failed to seize the documents from the custody of the accused for the purpose of investigation and hence, further investigation is necessary and prays that the criminal revision has to be allowed.

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5. On the other hand, the learned Standing counsel appearing for the respondent/State submitted that the case stands posted for trial and summons were sent to some witnesses and hence, at this stage, the petition for further investigation is not necessary and prays that the Criminal Revision has to be dismissed.

6. It is admitted on both sides that now the case stands posted for trial before the trial court. Hence, at this stage, it is not necessary to order for further investigation. Therefore, it is held that it is not necessary to interfere into the findings of the trial court.

7. In the result, this criminal revision fails and the same is dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

1. The Mahila Court (Magisterial Level),
Nagercoil.
2. The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Judgment made in
Crl.R.C (MD) No.161 of 2021
30.07.2021