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Crl.R.C.No.436 of 20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2023

CORAM

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

Crl.R.C.No.436 of 2023

1.Muthusamy

2.Amsaveni

.. Petitioners

Vs.

The Deputy Superintendent of Police,
Dharapuram Sub-Division,
Moolanur Police Station,
Tiruppur District.
Crime No.19 of 2021

.. Respondent

PRAYER: Criminal Revision case filed under Sections 397 and 401 of Cr.P.C., praying to set aside the order passed in Crl.M.P.No.87 of 2023 dated 27.01.2023 in S.C.No.19 of 2021 on the file of Learned Principal Sessions Judge, Tiruppur in Crime No.19 of 2021 on the file of respondent.

For Petitioners : Mr.C.S.Saravanan

For Respondent : Mr.R.Vinothraja,
Government Advocate (Crl. Side)



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ORDER

Challenging the order passed in Crl.M.P.No.87 of 2023 dated 27.01.2023 in S.C.No.19 of 2021 on the file of Learned Principal Sessions Judge, Tiruppur in Crime No.19 of 2021 on the file of respondent and set aside the same.

2. The learned counsel for the petitioner submitted that the petitioner is an accused in S.C.No.19 of 2021 on the file of the Principal Sessions Judge, Tiruppur. The respondent police registered a case against the petitioner in Crime No.19 of 2021 and prosecuted for the offences under Sections 302, 201 read with Section 302 IPC, 3(2)(v) of SC / ST (POA) Amendment Act. During the pendency of the case the respondent police filed the petition in Crl.M.P.No.87 of 2023 seeking permission of the Court for further investigation and which was allowed by the trial Court. He further submitted that after examination of vital witnesses, this petition is not maintainable. The trial Court allowing the petition is unsustainable. Hence, this revision has been filed to set aside the impugned order.

3. When the matter is taken up, the public prosecutor submitted that in this case to ascertain the identification of the deceased Ravi and to compare



by conducting DNA test of the daughter of the deceased sought the permission for further investigation and no prejudice would be caused to the accused. Therefore, the order passed by the trial Court is sustainable and no merit in the revision and prayed to dismiss the revision petition.

4. Heard both sides and perused the materials available on record.

5. On perusal of records, reveals that the petitioners are the accused in S.C.No.19 of 2021 on the file of Principal Sessions Judge, Tiruppur. The respondent police registered a case with regard to death of one Ravi in Crime No.19 of 2021 and after investigation prosecuted petitioners / accused for the offences punishable under Sections 302, 201 read with 302 IPC, 3(2)(v) of SC / ST (POA) Amendment Act. During the pendency of the case, in order to compare the bone said to have been recovered from the alleged place of occurrence and to conduct DNA test with the blood sample of the daughter of the deceased, the trial Court, after considering arguments of the parties, ordered further investigation with regard to the examination of bone with the blood sample of the daughter of the deceased and subject to DNA analysis to clarify the issues before the Court. Therefore, it will not delay the proceedings of the Court and allowed the petition and rejected the objections



raised by the accused. Hence, I find no infirmity in the order passed by the trial Court and the further investigation would not prejudice the accused in any way. In order to adjudicate the case, the Investigation Officer seeks to place DNA analysis report before the Court. Therefore, the impugned order is sustainable, it is in order and there is no merit in the revision and no ground for interfering with the impugned order.

5. In the result, this Criminal Revision Case is dismissed.

07.03.2023

Index: yes/no
Internet: yes/no
rna

To

- 1.The Deputy Superintendent of Police,
Dharapuram Sub-Division,
Moolanur Police Station,
Tiruppur District.
- 2.The Principal Session Judge, Tiruppur.
- 3.The Public Prosecutor, Madras.



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V. SIVAGNANAM, J.

rna

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