

**Crl.Rc.No.605 of 2023****V.SIVAGNANAM.J.,**

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The matter is posted today (18.04.2023) under the caption "for being mentioned".

2.The learned counsel for the petitioner submitted that in paragraph 7 (Result portion) of the judgment dated 30.03.2023, it is mentioned as “In the light of the above, the impugned order dated 28.02.2023 is set aside and the Criminal Revision Case is allowed” and the same may be modified as “In the light of the above, the impugned order dated 28.02.2023 is modified and the Criminal Revision Case is disposed of”. Further, in paragraph 6 of the said order it is referred as "A2 and A3"instead of "all the accused persons.

3. Further, in the 9th line of paragraph 6 of the said judgment, it has been wrongly mentioned as “with regard to A2 and A3” instead of “with regard to all the accused persons”.

4. Considering the submissions made by the learned counsel for the appellant, paragraph Nos.6 and 7 shall be read as follows:

"6. On a perusal of the records and the impugned order, it reveals that the 1st respondent, in connection with the assault made upon the de-facto complainant on 13.01.2022, made a complaint, which was received and an F.I.R has been registered against some of the police officials in Crime No.143 of 2022. It is alleged that the Police officials assaulted the de-facto



complainant. Hence, the second respondent/Deputy Commissioner of Police, Anna Nagar took up the investigation and filed a final report. Based upon the final report, the trial Court observed some of the defects with regard to all the accused persons and needed further investigation, and therefore, the Court below ordered further investigation and also directed the second respondent/Deputy Commissioner of Police to file a report after obtaining necessary sanction against the public officials. During the investigation alone, the investigating Officer can decide as to whether the Police officials have exceeded their official limits and whether prosecution is necessary or not or the incident took place while discharging their official duties. Therefore, the second respondent/Deputy Commissioner of Police, after investigation, may come to the conclusion as to whether sanction at all is needed for prosecuting the erring officials or the case can be proceeded without any sanction. In such circumstances, the second respondent/Deputy Commissioner of Police, Anna Nagar is directed to complete the further investigation and file a final report before the concerned Court within a period of 3 weeks from the date of receipt of a copy of this order. On receiving the final report, the concerned Court may decide the same on merits and pass orders in the manner known to law.

7. In the light of the above, the impugned order dated 28.02.2023 is modified and the Criminal Revision Case is disposed of”



5. In all other aspects, the earlier judgment dated 30.03.2023 shall remain unaltered.

6. The Registry is directed to issue a fresh corrected copy of the order to the parties concerned.

18.04.2023

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