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Crl.O.P.No.17365 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.17365 of 2023

Abid Hussain Sayeed
S/o.A.Nasir Sayeed

... Petitioner

Vs.

1. State Rep. by
Inspector of Police (DCB)
District Crime Branch,
Kancheepuram District,
Kancheepuram – 321 502.

2. The Inspector of Police (L & O)
Kelambakkam P.S.
Kelambakkam,
Chengulput District – 603 103.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Respondent Police to file Additional Charge Sheet enabling to include the encroachers as accused in existing pending trial before the Leaned Judicial Magistrate – 2 of Chengleput in C.C.No.160 of 2014, within stipulated time frame.

For Petitioner : Mr.G.Daisy John

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

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2. Heard Mr.G.Daisy John, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondents.

3. Learned Additional Public Prosecutor submitted that the trial is at the fag end and it is in the stage of examination of the investigation officer.

4. In view of the same, the relief sought for by the petitioner cannot be granted by this Court. The scope for filing an additional charge sheet will arise only if a further investigation is conducted by the prosecution u/s.173(8) Cr.P.C. If the Court during the course of inquiry/trial finds that some other accused persons are also involved in this case, they can be added as accused persons by the trial Court itself u/s.319 Cr.P.C. Hence, there is a



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procedure that has been stipulated under the Code of Criminal Procedure
and no direction can be issued beyond what is provided in the Code.

This Criminal Original Petition is accordingly disposed of.

03.08.2023

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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To

1. The Judicial Magistrate II,
Chengelpet.
2. The Inspector of Police (DCB)
District Crime Branch,
Kancheepuram District,
Kancheepuram – 321 502.
3. The Inspector of Police (L & O)
Kelambakkam P.S.
Kelambakkam,
Chengulput District – 603 103
4. The Public Prosecutor
High Court of Madras,
Madras.

N.ANAND VENKATESH, J



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