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Crl.O.P. No.15413 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. No.15413 of 2023

Subramanian P.

...Petitioner

Vs

1.State rep by the
Deputy Superintendent of Police,
Crime Branch CID,
Metro Unit, TN Police,
Chennai – 600 008.

2.The Inspector of Police,
Crime Branch CID,
Metro Unit,
Chennai – 600 008.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to direct the 1st respondent police to conduct the further investigation and file further charge sheet as against the respondent in C.C.No.5005 of 2018 on the file of CMM, CCB Court, Egmore, Chennai within a time frame as may be fixed by this Court.

For Petitioner

: Mr.G.Sasikannan

For Respondents

: Mr.A.Damodaran

Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed for a direction to the first respondent police to conduct further investigation and file a further charge sheet in a case that is pending before the learned Chief Metropolitan Magistrate, CCB Court, Egmore, Chennai in C.C.No.5005 of 2018.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondents.

3. The petitioner is an accused, who is facing trial before the Court below for offence under Sections 465, 471 r/w 465 I.P.C., 420 r/w 511 I.P.C. and 201 I.P.C. The case was registered in the year 2006. The investigation was completed and final report was filed on 20.09.2016. The Court below took cognizance of the offence on 22.06.2018. From then on, the case is pending before the Court below without any progress. Nearly after five years after the Court below had taken cognizance, the petitioner has approached this Court seeking for further investigation.



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4. Learned Additional Public Prosecutor submitted that the case is now at the stage of examination of witnesses.

5. In the considered view of this Court, the relief sought for by the petitioner at this length of time cannot be sustained. If really the petitioner had any grievance on the final report filed before the Court below, the petitioner should have worked out his remedy then and there and there is no reason as to why the petitioner waited for five years to move this petition.

6. In view of the same, the trial has to progress before the Court below. If ultimately, in the course of enquiry / trial any new materials crop up or the petitioner is able to come up with a defence, where other materials come to the forefront, it is always left open to the trial court to deal with the same in accordance with law. There are sufficient provisions in the Code of Criminal Procedure to deal with such contingencies.



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7. In the light of the above discussions, this Court does not find any ground to entertain this Criminal Original Petition and accordingly, the same is dismissed.

11.07.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
rsi

To

1. The Deputy Superintendent of Police,
Crime Branch CID,
Metro Unit, TN Police,
Chennai – 600 008.
2. The Inspector of Police,
Crime Branch CID,
Metro Unit,
Chennai – 600 008.
3. The Chief Metropolitan Magistrate,
CCB Court, Egmore,
Chennai.
4. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

rsi

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