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Crl.O.P.No.28499 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.28499 of 2023

Nagaraj

... Petitioner

Vs.

1.Chinnannan

2.Shankar

3.Thangaraji

4.Mani

5.Kumar

6.The Inspector of Police,
Harur, Dharmapuri District.

...Respondent

Prayer: Criminal Original Petition is filed under Section 439 of the Code of Criminal Procedure to direct the Judicial Magistrate, Harur, to number the unnumbered Crl.M.P.Sr.No.6044 of 2023 in C.C.No.55/2022.

For Petitioners

: Mr.J.Pradeep

For RR1

: Mr.A.Damodaran

Additional Public Prosecutor

ORDER

This petition has been filed challenging docket order passed by the Court below dated 06.11.2023, refusing to entertain the application filed by the petitioner.



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2. The petitioner has filed private complaint before the Court below.

Considering the allegations made in the complaint, the Court below had taken cognizance for offence under Sections 148, 147 and 430 IPC and has issued summons to A1 to A5. The grievance of the petitioner is that the offence under Section 379 IPC is also made out and there are materials to substantiate the same. Hence applications were filed before the Court below. The Court below returned the application through endorsement dated 06.11.2023. Aggrieved by the same, present petition has been filed before this Court.

3. In the considered view of this Court, the only grievance expressed by the petitioner is that an offence under Section 379 of IPC is also made out and the Court below has not taken cognizance of the same. The Court below has enormous powers under Section 216 of Cr.P.C to alter the charges at any point of time before the final judgment is passed. Therefore as and when any material surface before the Court during the course of enquiry / trial, the Court can always exercise its jurisdiction under Section 216 of Cr.P.C and add necessary charges. Except giving this clarity, no further orders are required to be passed in this petition.



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4. This Criminal Original Petition is disposed of in the above terms.

18.01.2024

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1. The Judicial Magistrar,
Harur.

2. The Public Prosecutor,
High Court, Madras.

N. ANAND VENKATESH, J.



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