



WEB COPY



Crl. O.P. No. 21673 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl. O.P. No. 21673 of 2024

Boopathi

.. Petitioner

Vs.

1.The State Represented by,
The Deputy Superintendent of Police,
Erode District.

2.The State Represented by,
The Inspector of Police,
Kodumudi Police Station,
Erode District.
(Crime No. 460 of 2020)

3.Surya

4.Saminathan

5.Kirubasankar

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C.,1973 to call for records with regard to the final report filed in Spl.S.C.No.6 of 2021 on the file of learned Principal District and Sessions Judge, Erode and set aside the same and consequently direct the respondent police to further investigate the case in Crime No. 460 of 2020 and file a final report afresh.



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For Petitioner : Mr. R. Mohan

For Respondents : Mr. K.M.D. Muhilan,
Government Advocate for R1 & R2

ORDER

It is a case of double murder which has been investigated by the respondent police and final report filed before the Principal District and Sessions Court, Erode. The learned Special Judge has taken the case on file in Spl.S.C.No.6 of 2021 and the case is now posted for examination of witness.

2. At this juncture, the defacto complainant has come before this Court seeking further investigation of the case on the ground that the Investigating Officer has not examined the witnesses who spoken about the motive for the occurrence and the witness had seen the assailants running from the scene of occurrence after committing the crime.

3. According to the learned counsel appearing for the petitioner motive and res-gestae evidence will be relevant and necessary for proving the case. Therefore, there must be further investigation and the statement of those witnesses has to be recorded. It is a case of double murder witnessed by atleast two persons. In such circumstances, the



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Investigating Officer has thought fit that the eye witnesses who have seen the occurrence will be the key witness for the prosecution and the case of the prosecution could be established to them. Motive and circumstantial evidence may be relevant and necessary only in case there is no direct evidence. As far as this case is concerned, since there is direct evidence through eyewitness. The prosecution has thought fit to establish the case through those eyewitness for none other than the grand son of victim and neighbouring resident.

4. Considering the facts of the case and the materials collected by the Investigating Officer, this Court is of the view that there is no necessity for any direction to conduct further investigation, since the Investigating Officer has completed the investigation in a fair manner and had placed before the court the relevant evidence which is sufficient for the prosecution to proceed.

5. In view of the above, this Criminal Original Petition is dismissed.

04.09.2024

Vv



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To

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1. The Deputy Superintendent of Police,
Erode District.
2. The Inspector of Police,
Kodumudi Police Station,
Erode District.
3. The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN,J.

Vv

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