

CrL.R.C.(MD)No.896 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrL.R.C.(MD)No.896 of 2025

and

CrL.M.P.(MD)No.9528 of 2025

C.John Bright

... Petitioner

-VS-

The State Rep. by
The Inspector of Police (CBCID),
No.7C, Kurinji Street,
Ramanputhoo, Nagercoil,
Kanyakumari District.

... Respondent

PRAYER : Criminal Revision Case filed under 438 & 442 of BNSS, 2023, to call for the records relating to impugned docket order dated 14.05.2025 passed in CrL.M.P.No.895 of 2024 in P.R.C.No.46 of 2023 on the file of the learned Judicial Magistrate No.I, at Nagercoil and set aside the said order.

For Petitioner : Mr.V.Meenakshi Sundaram

For Mr.S.Rajesh Kanna

For Respondent : Mr.S.Ravi, Additional Public Prosecutor

ORDER

Challenging the order passed by the learned Judicial Magistrate No.I, Nagercoil, in CrL.M.P.No.895 of 2024 in P.R.C.No.46 of 2023 dated 14.05.2025, this Criminal Revision Case is filed by the 10th accused.



Facts of the Case:-

2.1.The petitioner is the 10th accused in P.R.C.No.46 of 2023. He filed CrI.M.P.No.895 of 2024 before the learned Judicial Magistrate No.I, Nagercoil, under Section 173(8) of the Code of Criminal Procedure, seeking further investigation.

2.2.The prosecution case arises from a complaint lodged on 07.10.2020, by the defacto complainant, Valentina, wife of the victim, before the Thiruvattar Police Station, leading to the registration of Crime No.484 of 2020 against two unknown persons for offences under Sections 294(b), 307, 324, 341, and 506(ii) of IPC. The FIR states that the victim, a CPI(M) District Committee Member and Councillor of the 9th ward, Thiruvattar Town Panchayat, was assaulted by two unidentified persons using iron rods, causing serious injuries. He was initially treated at Shalom Hospital, Marthandam, and later shifted to Ananthapuri Hospital, Thiruvananthapuram. An alteration report was filed, arraying A1 to A9, and charging them under various Sections including Sections 120(b), 109, 34, 324, 341, 506(ii), 294(b) and 307 of IPC.

2.3.Subsequently, a second alteration report included the petitioner as the 10th accused. The petitioner contends that he was added without any evidence, due to political rivalry and influence from the CPI(M) party,



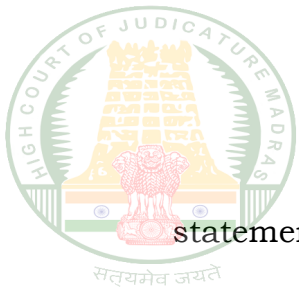
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as he was a member of the DMK party and had been rising in its ranks. He asserts that no call data or independent material links him to the crime. The investigation was later transferred to the CBCID by this Court in CrI.O.P.(MD)No.20462 of 2021, vide order dated 24.01.2021. The CBCID registered Crime No.2 of 2022, examined 75 witnesses, and recovered eight material objects, based on which, the final report was filed. The petitioner submits that he was implicated solely on the basis of a Section 161(3) of Cr.P.C. statement and the extra-judicial confession of one Edwin Robert, without independent corroboration. He contends that this is insufficient to justify his inclusion as an accused.

2.4.The learned Judicial Magistrate, however, dismissed the application for further investigation, observing that an accused does not have an absolute right to demand further investigation unless the original investigation is shown to be incomplete, perfunctory, or malicious. The learned Trial Court further found no new evidence had emerged and relied on the Section 161(3) of Cr.P.C., statement of the defacto complainant and confession of Edwin Robert, which established the political rivalry and motive. Aggrieved thereby, the present revision petition has been filed.

Submissions:-

3.The learned counsel appearing for the petitioner contended that the inclusion of the petitioner as A10 was solely based on a co-accused's



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statement and the wife of the victim's version, without any corroborative evidence such as call data records or material recovery. The seizure of a cellphone alone does not implicate the petitioner and he prayed for a fair and unbiased further investigation.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the investigation had already been transferred to CBCID upon the request of the victim and that the petitioner was added after a thorough probe. He pointed out that the petitioner, despite being granted liberty by this Court in CrI.O.P.(MD) No. 16047 of 2023 to seek further investigation before the learned Magistrate, instead filed a quash petition in CrI.O.P.(MD)No.19487 of 2023, which was dismissed on 15.12.2023. Only thereafter, the present application was filed belatedly to delay the trial.

5.This Court carefully considered the rival submissions and perused the materials available on record.

Discussion and Conclusion:-

6.It is not in dispute that the petitioner was arrayed as the 10th accused in the charge sheet filed by CBCID after investigation. The petitioner had adequate opportunity to seek further investigation earlier, as directed in CrI.O.P.(MD)No.16047 of 2023, but chose instead to file a



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quash petition, which was dismissed.

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7.The materials placed before the Court reveal that there is no fresh evidence or new material produced by the petitioner to warrant further investigation under Section 173(8) of Cr.P.C. The final report had already been filed prior to the filing of the petition seeking further investigation. This Court also finds no illegality or perversity in the order passed by the learned Magistrate. While the right to fair investigation is a constitutional guarantee, the same cannot be invoked mechanically or for oblique purposes. In the present case, the timing of the petitioner's application and the absence of fresh materials indicate that the petition was filed only to protract the proceedings.

8.In view of the above, this Criminal Revision Case is dismissed. However, the petitioner is at liberty to raise all his contentions during the course of trial before the learned Trial Court. No Costs. Consequently, connected miscellaneous petition is closed.

23.07.2025

NCC :Yes/No
Index :Yes/No
Internet : Yes
Mrn



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To

- 1.The Judicial Magistrate No.I, Nagercoil.
- 2.The Inspector of Police (CBCID),
No.7C, Kurinji Street,
Ramanputhoo, Nagercoil,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Mrn

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