



WEB COPY

CRL RC No. 2754 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

**CRL RC No.2754 of 2025
and Crl.M.P.No.24066 of 2025**

Angamuthu @ Thangaraj

..Petitioner(s)

Vs

State represented by the
Inspector of Police,
Ammapettai Police Station,
Erode
Crime No.373 of 2005

..Respondent(s)

Criminal Revision Petition filed under Sections 438 of BNSS,
praying to call for the records relating to the order dated 26.11.2025 made in
M.P.No.41 of 2025 in C.C.No.374 of 2022 on the file of the learned Chief
Judicial Magistrate, Erode and set aside the same.

For Petitioner(s):

Mr.C.Munusamy

For Respondent(s):

Mr.R.Vinothraja

Government Advocate (Crl.Side)

ORDER

The present Revision has been filed challenging the order passed by the
learned Chief Judicial Magistrate in an application filed under Section 309
Cr.P.C.



2. The petitioner is facing prosecution for the offences under Sections 419, 467, 468, 471 r/w Section 109 IPC. After examination of a few witnesses, the petitioner filed an application under Section 309 Cr.P.C., seeking to stay all further proceedings and dismiss the case. The said petition was filed on the ground that the investigation was conducted by the Special Sub Inspector of Police, who was allegedly not competent to conduct the investigation.

3. The learned Chief Judicial Magistrate dismissed the said petition on the ground that the competence of the Special Sub Inspector of Police and the legality of the final report would all be examined at the stage of final judgment. The learned Magistrate further observed that since the trial was almost complete, the said petition was liable to be dismissed.

4. The learned counsel for the petitioner submitted that since the investigation was not conducted by a competent officer, the entire trial stands vitiated. In support of his contention, he relied upon the order of this Court in Crl.R.C.No.1145 of 2016 and etc. batch., wherein this Court had discharged the accused on the ground that the investigation was conducted by a Special Sub Inspector of Police.



5. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent would submit that the trial is at the stage of examination of the investigating officer; and that there is no infirmity in the impugned order, inasmuch as the learned Magistrate has observed that all questions with regard to the irregularity in the investigation and the alleged prejudice on account of the same would be considered at the time of final judgment.

6. Heard the learned counsel appearing on either side and perused the materials available on record.

7. It is seen that the case is at an advanced stage of trial and has now been posted for examination of the Investigating Officer. The learned Magistrate has observed that the question as to whether Investigating Officer was competent and whether the alleged irregularity has affected the trial would be considered at the time of final judgment.

8. This Court finds no infirmity in such a finding. In fact, in the judgment relied upon by the learned counsel for the petitioner, the dismissal of the discharge petition was challenged before this Court and in such circumstances, this Court had passed the said order.



9. Therefore, this Court is of the view that there is no merit in the present Revision. Accordingly, the Criminal Revision Petition stands dismissed with liberty to the petitioner to raise all his contentions before the Trial Court. Consequently, connected miscellaneous petition is closed.

17.02.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
Anu

To

1.The Chief Judicial Magistrate, Erode

2.Inspector of Police,
Ammapettai Police Station,
Erode

3.The Public Prosecutor,
High Court of Madras.



WEB COPY

CRL RC No. 2754 of 2



SUNDER MOHAN J.

Anu

CRL RC No.2754 of 2025
and Crl.M.P.No.24066 of 2025

17.02.2026