

P. Veerachamy Vs. State Represented by, The Superintendent of Police, Pudukkottai and Others

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Court : Chennai Madurai

Decided On : Apr-06-2016

Judge : P.N. Prakash

Appeal No. : Crl.O.P.(MD) No. 5587 of 2016

Appellant : P. Veerachamy

Respondent : State Represented by, The Superintendent of Police, Pudukkottai and Others

Judgement :

(Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the 2nd respondent to further investigate the case in S.C.No.78 of 2014 pending before the Special Court of P.C.R.cases, Pudukkottai in Crime No.176 of 2013 on the file of the 3rd respondent Police and file additional final report before the concerned court.)

1. This petition has been filed to direct the 2nd respondent to further investigate the case in S.C.No.78 of 2014 pending before the Special Court of P.C.R.cases, Pudukkottai in Crime No.176 of 2013 on the file of the 3rd respondent Police and file additional final report before the concerned court.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State.

3. It is seen that for the incident that took place on 29.09.2013, the respondent police registered a case in Crime No.176 of 2013 and completed the investigation and also filed a final report, which was taken on file in S.C.No.78 of 2014 on the file of Special Court of PCR Cases, Pudukkottai. It is also seen that the case is pending from the year 2014 and now, the petitioner has come up with this petition seeking for further investigation of the case, making certain allegations against the Investigating Officer, on the ground that the Investigating Officer has not included some of the persons whom the petitioner had cited as witnesses in his own affidavit.

4. In the considered opinion of this Court, that cannot be a good reason for ordering further investigation in the case, as the final report is pending before the Trial Court since 2014.

5. Learned counsel for the petitioner relied upon the order dated 29.04.2014 passed by this Court in Crl.O.P.(MD) No.7736 of 2014 in support of his submission. However, on a close perusal of the order, it is seen that this Court has not decided any ratio decidendi for this Court to follow nor is that stare decisis. During trial if additional materials surface, the Trial Court is empowered under Section 319 Cr.P.C. to include other persons as accused and under Section 311 Cr.P.C., the Trial Court has the power to examine any person whose evidence is just and necessary in the opinion of the Trial Court.

With the above observation, this Criminal Original Petition is dismissed as devoid of merits. Consequently, connected miscellaneous petition is closed.

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