

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.31123 of 2014

R.Sundari

... Petitioner

Vs

State, Rep by its
Inspector of Police,
V-5, Thirumangalam Traffic Police
Investigation Division,
Anna Nagar West,
Chennai - 600 040.

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to direct the respondent to investigate and file a final
report in Crime No.91/TM3/2008 dated 01.03.2008 within the stipulated
period as fixed by this Hon'ble Court.

For Petitioner : Mr.S.Parthasarathy
For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed praying to
direct the respondent to investigate and file a final report in Crime
No.91/TM3/2008 dated 01.03.2008 within the stipulated period as fixed
by this Hon'ble Court.

2. Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the respondent.

3. On 05.06.2015, it was represented by the learned Additional
Public Prosecutor, on instruction from Mr.P.Murugan, Inspector of
Police, V-5, Thirumangalam Traffic Police Investigation Division,
that the case record in Crime No.91/TM3/2008 was not available in the
station. Therefore, this Court directed the Police to locate the
case diary. Today, when the matter is called, Mr.P.Murugan,
Inspector of Police, V-5, Thirumangalam Traffic Police Investigation
Division, is present and submitted that the C.D. files have been
retrieved.

4. The learned Additional Public Prosecutor on instructions from Mr.P.Murugan, Inspector of Police, V-5, Thirumangalam Traffic Police Investigation Division, submitted that investigation was completed, but the final report has not been filed before the jurisdictional Magistrate. Under such circumstances, this Court directs the respondent Police to file the final report before the jurisdictional Magistrate, viz., XIV Metropolitan Magistrate, Chennai, under intimation to the petitioner, who is the mother of the deceased. The respondent Police should furnish a copy of the final report and all statements, Mahazar, Post-mortem Report etc., to the petitioner, within two weeks from the date of a copy of this order. The petitioner will be entitled to file a protest application before the Judicial Magistrate, thereafter, and the Magistrate shall take action in accordance with law as laid down by the Hon'ble Supreme Court in Vinay Tyagi v. Irshad Ali (2013 (5) SCC 762).

5.The Deputy Commissioner of Traffic (West), Arumbakkam, is directed to monitor the case in Crime No. 91/TM3/2008 and the final report shall be filed before the XIV Metropolitan Magistrate, Chennai, within two weeks from the date of receipt of a copy of this order.

6.With the above direction, this Criminal Original Petition is closed.
ds

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To:

1. The XIV Metropolitan Magistrate,
Chennai.
2. The Inspector of Police,
V-5, Thirumangalam Traffic Police
Investigation Division,
Anna Nagar West,
Chennai - 600 040.
3. The Deputy Commissioner of Traffic (West)
Arumbakkam, Chennai.
4. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.S.Parthasarathy, Advocate SR 28694

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