

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.18729 of 2015

C.Titus Mathankumar

.. Petitioner

Vs

State, rep. By

Deputy Superintendent of Police EOW-II,
Coimbatore.

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the respondent police/Deputy Superintendent of Police EOW-II, Coimbatore to complete the investigation by filing the charge sheet in F.I.R. (Crime) No.4/2010, dated 13.08.2010

For Petitioner : Mr.M.Vijayakumar

For Respondents : Mr.C.Emalias, Addl. Public Prosecuto

O R D E R

This Criminal Original Petition has been filed praying for a direction to the respondent police to file the final report in Crime No.4 of 2010 dated 13.08.2010 pending investigation on the file of the respondent.

2. The respondent police has filed the counter affidavit, wherein Paragraph Nos.12 to 16, it is stated as follows:

"12. It is submitted that I have taken up this case for further investigation. On careful scrutiny and on perusal of records, I found that there are 43 complaints were received against the accused and all the complainants produced the xerox copy of the cheques given by the accused to them.

13. It is submitted that after completion of detailed report and elaborated investigation I have obtained legal opinion and laid the charge sheet before the TNPID Court, Coimbatore on 24.02.2014 and the same was returned stating the reason to produce the "Original return Cheques".

14. It is submitted that out of the 43 complainants, till date I have examined all the

complainants and recorded their statements and also collected 40 original cheques from the respective complainant except (i) Rajkumar; (ii) Srividhya Kesaven and (iii) Mohanraj.

15. It is submitted that the above said 3 complaints were produced the original cheques before the learned Judicial Magistrate No.1 and II Erode respectively, pending case filed under Section 138 N.I. Act. Further the said complainants promised to get the original cheques from the respective Court and submitted the same to us soon. On reception of the same, I will again laid the charge before the Jurisdictional Court.

16. It is submitted that now at this juncture, there are ample evidences are available against the accused A-1 to A-7 in Crime No.04/2010 and already laid the charge sheet before the TNPI Court and the same was returned, as stated supra, I will again charge sheet soon, on receipt of original return cheques from the 3 complainants."

3. From the above, it appears that out of 43 cheques, 40 cheques are with the respondent police and only three cheques have been filed in 138 proceedings. Be that as it may, the respondent police is directed to file the final report before the concerned Court and the learned Magistrate is directed to take the same on its file and proceed it in accordance with law without insisting upon the police to produce three original cheques. During trial, it is always open to the concerned witness to depose that those cheques have been filed in 138 proceedings.

With the above direction, this petition is closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

vsm

To

1.The Judicial Magistrate I, Erode.

2.-do- Thro the Judicial Magistrate II, Erode.

3.The TNPID Court, Coimbatore.

4.The Deputy Superintendent of Police EOW-II,
Coimbatore.

5.The Public Prosecutor,
High Court, Madras.

1 cc to Mr.M.Vijayakumar , Advocate Sr.No.43119

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pmk.14.9.2015



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