

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.Nos.16791 & 16792 of 2016

K.Boopathi

... Petitioner in both Crl.OPs

Vs

State of Tamil Nadu, Rep. by
The Inspector of Police,
Vaniyambadi Town Circle,
Vellore District.

... Respondents in both Crl.OPs

Prayer in Crl.OP.No.16791 of 2016: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondent to comply with the order in Crl.OP.No.32789/2014 dated 05.01.2015 in Crime No.140/2005 on the file of the respondent and to frame charges against the accused and file the final report within a stipulated period.

Prayer in Crl.OP.No.16792 of 2016: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondent to comply with the order in Crl.OP.No.32790/2014 dated 05.01.2015 in Crime No.139/2005 on the file of the respondent and to frame charges against the accused and file the final report within a stipulated period.

For Petitioner	:Mr.R.K.Ramaiah
(in both Crl.OPs)	
For Respondent	:Mr.C.Emalias,
(in both Crl.OPs)	Additional Public Prosecutor

COMMON ORDER

These Criminal Original Petitions have been filed praying to direct the respondent to comply with the order dated 05.01.2015 passed in Crl.OP.Nos.32789 & 32790 of 2014 in connection with Crime Nos.140 & 139 of 2005 respectively on the file of the respondent and to file a final report within a stipulated period.

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

3. Today, Mr.K.Sundaram, Deputy Superintendent of Police, Vaniyambadi Sub Division, Vellore District, and Mr.S.Rajasekar, Inspector of Police, Vaniyambadi Town Circle, Vellore District are present.

4. Mr.S.Rajasekar, Inspector of Police, Vaniyambadi Town Circle, Vellore District has filed status reports in connection with CrI.OP.Nos.16791 & 16792 of 2016, wherein in Paragraph Nos.9,10 & 11, it is stated as follows :

"9. It is submitted that the respondent police registered the case and during the pendency of the investigation in the year 2005, the vehicle in which the respondent police team were travelling met with a horrible accident and the then Inspector of Police, Tr.Nainardurai, Head Constable Tr.Laxmanan, Car driver Pasupathi died on the spot. As stated, the above police vehicle met with accident was totally collapsed, the entire CD file of this case, which was kept in that vehicle was totally destroyed and all papers tore into pieces and total file drawn in blood.

11. It is submitted that on 14.08.2016 vide C.No.159/DSP/VNB/2016, the Deputy Superintendent of Police, Vaniyambadi Sub Division, Vellore District nominated me to take further investigation of this case in Crime No.139

of 2005 & 140 of 2005. As per the above said order, I have taken charge of the case and I have collected the copies of documents pertaining to this case in Crime No.140 of 2005 (Crl.OP.16791 of 2016) & Crime No.139 of 2005 (Crl.OP.16792 of 2016). Hence, for the above said bona-fide reason, this case is pending from the year 2005.

11. It is submitted that I have to send seized pipe materials to the Forensic Science Laboratory, Chennai for chemical analysis, as soon as I have completed the investigation, I will lay charge sheet before the competent court in accordance with law."

5. It appears that when the Police were returning after seizing the materials, an unfortunate accident has taken place, in which the Inspector of Police, Head Constable and Driver died on the spot and the entire case records were destroyed in fire. Therefore, the police need reconstruction of the case records.

6. Accepting the explanation, the respondent Police is directed to complete the investigation in both the cases within six months from the date of receipt of a copy of this order and to file a final report before the concerned Court.

In view of the above, these Criminal Original Petitions are closed.

17.08.2016

ds

P.N.PRAKASH,J

ds

To

- 1.The Inspector of Police,
Vaniyambadi Town Circle,
Vellore District.
- 2.The Public Prosecutor,
High Court, Chennai.

Crl.OP.Nos.16791 & 16792 of 2016

17.08.2016