

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2016

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.14860 of 2016

R.K.Paresh

... Petitioner

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Central Crime Branch,
Chennai Sub Urban Police Station,
Egmore, Chennai.

...Respondent

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondent to investigate the case in Crime No.85 of 2011 and file a charge sheet expeditiously.

For Petitioner : Mr.C.K.M.Appaji

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondent to investigate the case in Crime No.85 of 2011 and to file a charge sheet expeditiously.

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

3. On the complaint given by the petitioner, the respondent-Police registered a case in Crime No.85 of 2011, and after completing the investigation, filed a final report on 12.07.2012 before the learned Judicial Magistrate, Poonamallee, for the offences under Sections 420, 468, 471 and 109 r/w 34 IPC against three accused of whom Anbu (A3), whose name does not figure in the FIR, but added in the final report, is absconding.

4. The learned Additional Public Prosecutor submitted that the learned Judicial Magistrate, Poonamallee, has returned the final report and did not accept it on the ground that one of the accused is absconding. The learned Additional Public Prosecutor also produced the original final report, which has been returned by the Judicial Magistrate, Poonamallee and it bears the date seal of the Court as 12.07.2012.

5. In the opinion of this Court, just because an accused found in the final report is in abscondence, that cannot be a good reason for the learned Judicial Magistrate to return the final report.

6. Under such circumstances, the respondent-Police is directed to re-present the final report with two weeks from the date of receipt of a copy of this order and on such representation, the learned Judicial Magistrate, Poonamallee, shall take the same on file and pass orders in accordance with law.

6. With the above direction, this petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

ds
To

- 1.The Judicial Magistrate,
Poonamallee.
- 2.The Inspector of Police,
Central Crime Branch,
Chennai Sub Urban Police Station,
Egmore, Chennai.
- 3.The Public Prosecutor,
High Court, Chennai.

+1cc to Mr.C.K.M.Appaji, Advocate, S.R.No.40169

LRS (CO)
EU(08/08/2016)

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