

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP No.15951 of 2016

and

CrI.MP.No.8739 of 2016

S.Mohankumar

..Petitioner

Vs

State by Inspector of Police,
G-1 Vepery Police Station,
Vepery, Chennai 600 007.
Crime No.782 of 2010

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent to file charge sheet in Crime No.782 of 2010 for the offence under sections 465, 468, 471, 420 and 506(i) IPC within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.Hasan Mohammed Jinnah

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

ORDER

This petition has been filed to direct the respondent to file charge sheet in Crime No.782 of 2010 for the offence under sections 465, 468, 471, 420 and 506(i) IPC within a time frame to be fixed.

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

3. Today, Mr.D.Sankaran, Assistant Commissioner of Police, Ayyanavaram Range, is present and he has filed a status report, wherein, he has stated that steps have been taken by him for completing the investigation in Crime No.782 of 2010 and Mr.V.Vinoth Suntharam, Assistant Commissioner of Police, Vepery Range is also present.

4. It is seen that the investigation in Crime No.782 of 2010 was initially with the Assistant Commissioner of Police, Vepery Range and thereafter, it has been transferred by the orders of the Superior Officers to the Assistant Commissioner of Police, Ayyanavaram Range, who is the present Investigating Officer. The petitioner/defacto complainant has impleaded only

the Inspector of Police, G-1, Vepery Police Station as respondent, who is not the Investigation Officer. However, the status report has been filed by D.Sankaran, Assistant Commissioner of Police, Ayanavaram Range, wherein, he has stated that Ruby Thomas was arrested and then, she is now on bail and that, on 11.08.2016, the petitioner and Ruby Thomas were called for enquiry.

5. The Assistant Commissioner of Police, Ayanavaram Range, has also sought for some time to complete the investigation and file a final report. Hence, Three months time is given to the Assistant Commissioner of Police, Ayanavaram range to complete the investigation in Crime No.782 of 2010 and file the final report before the Jurisdictional Magistrate.

6. At this juncture, the learned Additional Public Prosecutor expressed his apprehension that the amount involved in this case is over Rs.2,00,00,000/-. Under such circumstances, the Jurisdictional Magistrate will not accept the final report, if the case is not investigated by agencies like Central Crime Branch or CBCID.

7. In the considered opinion of this Court, the Assistant Commissioner of Police is an officer under the code, who has got all power to conduct the investigation and therefore, the Magistrate cannot refuse to take the final report on the aforesaid ground, if filed.

In view of the above, this criminal original petition is closed. Consequently connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

To

1. State by Inspector of Police,
G-1 Vepery Police Station,
Vepery, Chennai 600 007.
2. D.Sankaran,
Assistant Commissioner of Police, Ayanavaram Range.
- 3.The Public Prosecutor,High Court, Madras.

+1 cc to m/s.hasan Mohammed Jinnah, advocate,sr.47306.

+1 cc to Mr.R.Sankarappan, advocate,sr.47056 (29/8)

mpi(co)

krd 29/8

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