

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2016

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.19295 of 2016

C.Balasubramanian ... Petitioner
Vs

The Inspector of Police,
R-4, Pondy Bazaar,
Transport Intelligence Wing,
T.Nagar, Chennai-600 017. ... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondent to file a final report in Crime No.358/TN2/2014 dated 14.07.2014 on the file of the respondent within a time frame as stipulated by this Hon'ble Court.

For Petitioner :Mr.K.Anbarasan

For Respondent :Mr.B.Ramesh Babu
Government Advocate

ORDER

This Criminal Original Petition has been filed seeking a direction to the respondent to file a final report in Crime No.358/TN2/2014 dated 14.07.2014.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the Respondent.

3. When the matter is taken up for hearing, the learned Government Advocate submitted that the respondent police has filed a status report, in which, it is stated as follows;

"3. It is submitted that based on the above complaint of Tr.Balasubramanian, a case in R-4 Pondy Bazaar Traffic Investigation Crime No.358/TN2/2014 under Section 279 & 304 (A) IPC was registered by Tr.Rajapandi, the then i/c Inspector of Police on 14.07.2014 at 07:30 hours and took up the investigation.

4. It is submitted that based on the above complaint, the above investigation

officer went to the scene of occurrence, prepared rough sketch and observation mahazar in the presence of witnesses, i.e., Tr.Balamurugan & Tr.Prabakar in the scene of occurrence.

5. It is submitted that the above investigation officer has examined the following witnesses and recorded their statements:-

1. Tr.Kumar, Witness,
2. Tr.Rajendran, Witness
3. Tr.Tamil, Witness,
- 4.Tr.Ramadoss, Witness
5. Tr.Senthil, Witness
6. Tr.Balamurugan, Witness &
7. Tr.Prabakar, Witness.

All the above witnesses have stated about the facts of the case, i.e., one of the two Green Colour Government buses dashed the Motor cycle and flee away in a speedy manner without stopping and overtaking with each other bus.

6. It is submitted that during the course of the investigation, the above investigation officer deputed Tr.Gopalan, Special Sub Inspector of Police to verify any C.C.T.V.Camera footage available nearby the scene of crime to get clue about the accident took place. But, there was no C.C.T.V.Camera near the scene of crime.

7. It is submitted that during the course of the investigation, the above investigation officer had deputed one Tr.Selvam, the Special Sub Inspector of Police in order to enquire in and around the scene of crime about the accident and also to find out the hit and run vehicle. Based on that the above said Tr.Selvam, the Special Sub Inspector of Police went to the scene of crime and enquired the witnesses who are located in and around the scene of crime for the purpose of investigation. But, no useful clue was obtained. To that effect, the above said special Sub Inspector of Police had submitted a special report to the investigation officer.

8. It is submitted that during the course of the investigation, the above

investigation officer has sent letters to the Government Transport Authorities through Tr.Moorthy, Sub Inspector of Police to the Branch Managers of the Tamil Nadu State Transport Corporation of Villupuram, Kumbakanoam, Trichy Sub Division and also to the State Express Transport Corporation requesting to furnish the details of the buses that were operated during the date and time the accident took place at the scene of crime concerned, i.e. 100 Feet Road, Vadapalani, route from Koyambedu towards Ashok Nagar.

9. It is submitted that towards the above, reply from the above said Transport authorities concerned were received stated that the above said authorities have not received any intimation that their vehicle met with an accident at the scene of crime during the relevant point of date and time. The reply further revealed that if there is any accident took place, the concerned bus will be stopped at the spot itself, giving first aid treatment to the injured concerned and the same will be duly communicated to the authorities concerned.

10. It is submitted that during the course of the pending investigation, the petitioner, Tr.C.Balasubramanian moved this Hon'ble High Court, Madras and filed a direction petition vide Crl.OP.NO.26652 of 2015 praying to direct the respondent to file a final report in Crime NO.358/TN2/2014, dated 14.07.2014 on the file of the Respondent.

When the above petition came up for hearing on 26.11.2015, this Hon'ble High Court, Madras was pleased to pass the following order:-

" 4. Considering the submissions made on either side, this Court directs the respondent police to expedite the investigation in Crime NO.358/TN2/2014 and file a final report as early as possible"

11. It is submitted that after completion of the detailed investigation based on the examination of witnesses, the then investigating officer, Tr.Sathish, the then inspector of Police has requested the

jurisdictional Court on 12.1.2016 to issue order to refer the case as "Un-detected" on the ground that the vehicle involved in the accident is not able to trace out and it is un-detected."

Recording the same, the criminal Original Petition is closed and the copy of the status report has been furnished to the learned counsel for the petitioner.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

sms

To

1. The Inspector of Police,
R-4, Pondy Bazaar,
Transport Intelligence Wing,
T.Nagar, Chennai-600 017.

2.The Public Prosecutor,
High Court, Madras.

2 ccs to Mr.K.Anbarasan, Advocate, Sr. 55677

Crl.OP.No.19295 of 2016

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