

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

CrI.O.P.No.3681 of 2016

S.Samynathan

... Petitioner

Vs.

State by

The Inspector of Police
Arcott Town Police Station,
Vellore District.

... Respondent

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the respondent to investigate the case and date of events properly and file the final report/ charge sheet in the Arcott Town Police Station (Vellore) Cr.No.401 of 2014.

For Petitioner : Mr.T.G.Ravichandrran

For Respondent : Mr.C.Emalias

Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking a direction to the respondent police to file the final report in Crime No. Cr.No.401 of 2014 pending on the file of the respondent police.

2.Heard the submissions made by the learned counsel appearing on either side.

3.The learned counsel for the petitioner would submit that the alleged road accident took place on 04.08.2014 and the petitioner is the injured/ defacto complainant, he has sustained grievous injuries and on the basis of the complaint given by the petitioner, a case has been registered in Crime No.401 of 2014 for the offences punishable under Sections 279 and 337 of I.P.C. However, the respondent has not shown any interest to investigate the matter and lay a final report. Hence, the petitioner has come up with the present petition for the relief as stated above.

4.The learned Additional Public Prosecutor would submit that since charge sheet has not been filed within the time stipulated, that F.I.R. has been closed under Section 468 of Cr.P.C. on 03.12.2015.

5.This Court considered the submissions made on both sides. A perusal of the Accident Register would disclose that the alleged occurrence is said to have taken place on 04.08.2014, complaint has been given on 05.08.2014, the injured sustained open fracture right shin bones expose. So, the ingredients of Section 338 IPC has been made out. The punishment is upto two years. Charge sheet has been filed for three years.

6.Hence, the closure of the F.I.R. is hereby reopened. The respondent is directed to file appropriate application for condonation of reopen and the respondent is further directed to complete the investigation in Crime No.401 of 2014 and file a final report, within a period of one month from the date of receipt of a copy of this order.

7.The Criminal Original Petition is disposed of with the above direction.
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s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police
Arcott Town Police Station,
Vellore District.

2.The Public Prosecutor
High Court, Madras. सत्यमेव जयते

+ 1 cc to Mr.T.G.Ravichandran, Advocate SR 22073

sks(co)
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