

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.38 of 2016

S.Jayasingh Chandra Bose

... Petitioner

Vs

State : Rep.
Inspector of Police,
CBCID,
Chennai.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to issue a direction to the respondent to investigate and file the final report in Crime No.1 of 2012 on the file of the respondent police within a stipulated period as fixed by this Court.

For Petitioner : Mr.S.Parthasarathy

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

O R D E R

This petition has been filed to direct the respondent to investigate and file the final report in Crime No.1 of 2012 on the file of the respondent police within a stipulated period as fixed by this Court.

2. The petitioner herein lodged a complaint as against one Kirubanandam @ Kirubanandan, Divakaran, Mallish, Koteeswara @ Rao, Mind Tech Agency for the alleged offence under sections 406 and 420 IPC on 06.08.2012. Though the complaint was lodged as early as in 2012, till date, there is no progress in the investigation. Hence, the petitioner has come forward with the present petition to direct the respondent to investigate the case and file a final report in Crime No.1 of 2012.

3. When the matter is taken up for consideration, learned Additional Public Prosecutor submitted that the FIR was originally sent to the learned XI Metropolitan Magistrate, Saidapet, Chennai and subsequently, the matter was investigated by the CBCID. In fact, the CBCID has completed the investigation

and the charge sheet is also ready. Since the CBCID is investigating the matter, the charge sheet has to be filed before the learned Judicial Magistrate-I, Chengalpet. He further submitted that if the FIR pending before the learned XI Metropolitan Magistrate in Crime No.1 of 2012 is transferred to the file of learned Judicial Magistrate-I, Chengalpet, the CBCID will file the charge sheet before the learned Judicial Magistrate-I, Chengalpet. Thus, he seeks for a direction to the learned XI Metropolitan Magistrate, Saidapet, Chennai, to transfer the case in Crime No.1 of 2012 to file of learned Judicial Magistrate No.I, Chengalpet.

4. Considering the submissions made on either side, this Court directs the learned XI Metropolitan Magistrate, Saidapet, Chennai, to transfer the FIR in Crime No.1 of 2012 to the file of learned Judicial Magistrate-I, Chengalpet, within a period of two weeks from the date of receipt of a copy of this order. On such transfer, the respondent herein viz., The Inspector of Police, CBCID, Chennai, is directed to file the charge sheet in Crime No.1 of 2012 immediately before the learned Judicial Magistrate-I, Chengalpet.

5. The criminal original petition is disposed of accordingly.

vsi

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To

1. The XI Metropolitan Magistrate, Saidapet, Chennai.
2. The Judicial Magistrate-I, Chengalpet.
3. The Inspector of Police, CBCID, Chennai .
4. The Public Prosecutor, High Court, Madras.

+ 1 cc to M/s.S.Parthasarathy, Advocate SR 7231

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