

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 09.11..2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Criminal Original Petition No.424 of 2016
and M.P.No.1 of 2011

Harish

... Petitioner

-Versus-

State Rep. by
The Inspector of Police,
Matigiri Police Station,
Krishnagiri District.

... Respondent

Prayer: This petition is filed under Section 482 Cr.P.C. praying to direct the respondent police to complete the investigation of the case in Crime No.209 of 2014 on the file of the respondent police and to file final report within a time to be stipulated by this court.

For Petitioner : Mr.K.Selvakumaraswami

For Respondent : Mr.C.Emalias, APP

ORDER

This petition has been filed seeking for a direction to the respondent police to expedite the investigation in Crime No.209 of 2014 and to file the final report in accordance with law.

2. On the complaint lodged by one Krishnappa of Belakondapalli Village, the respondent police registered a case in Crime No.207 of 2014 on 10.12.2014 for offences under Sections 147, 148, 294(b), 324, 307 and 506(ii) of IPC against one Harish and 6 members of his family which was subsequently altered into Sections 147, 148, 294(b), 324, 326, 506(ii), 302, 307 r/w 109 of IPC.

3. It is the case of Krishnappa that Harish and his family members had brutally attacked Anilkumar resulting in serious injuries to him. Since Anilkumar was alive at the time of giving complainant, Section 307 of IPC was included in the FIR, but, subsequently, he died on 12.10.2014 pursuant to which the case has been altered as stated above. The death of Anil Kumar, incensed his party and in retaliation three houses belonging to Harish and his party were set on fire. In connection with this incident, on the complaint given by the

Village Administrative Officer, the respondent police registered a case in Crime No. 209 of 2014 on 12.12.2014 for offence under Sections 143, 427 and 436 of IPC against the relatives of Krishnappa who is the de facto complainant in the case in Crime No.207 of 2014. Harish is now before this court for a direction to complete the investigation expeditiously.

4. When the matter was taken up for hearing, Mr.C.Emalias, the learned Additional Public Prosecutor, on instructions, submitted that investigation in Crime No.209 of 2014 has been completed and the final report has also been filed before the learned Judicial Magistrate No.II, Hossur, but the same was not accepted by the learned Magistrate on the ground that accused therein have not been arrested.

5. In the considered opinion of this court that may not be a good reason for the learned Magistrate not to accept the final report, if it is otherwise in order. The respondent police is, therefore, directed to file the final report before the learned Judicial Magistrate No.II, Hosur, within a period of two weeks from the date of receipt of a copy of this order and on such filing, the learned Magistrate shall pass appropriate judicial orders thereon. As regards the prayer of Harish to stay the further proceedings in S.C.No.117 of 2015 pending on the file of the learned Additional Sessions Judge, Hosur, Krishnagiri District, until the final report in Crime No.209 of 2014 is filed by the respondent, such relief cannot be granted inasmuch as the incident that took place on 10.10.2014 and the incident that took place on 12.10.2014 do not form part of the same transaction. May be the incident that took place on 12.10.2014 is a retaliation to the incident that took place on 10.10.2014 but that by itself cannot be a reason for both the cases to be tried jointly.

In the result, the criminal original petition is closed with a direction that the trial in S.C.No.117 of 2015 pending on the file of the learned Additional Sessions Judge, Hosur, Krishnagiri District, shall proceed to its logical conclusion. Consequently, connected MP is closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

kmk

To

1.The Additional Sessions Judge,
Hosur, Krishnagiri District.

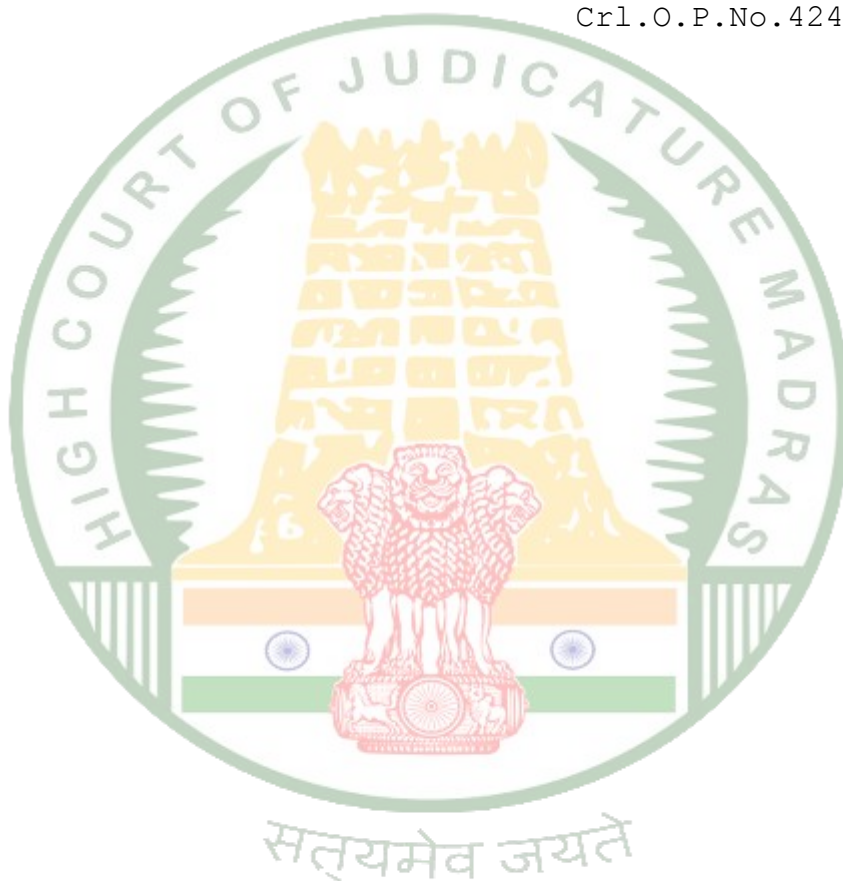
2.The Inspector of Police,
Matigiri Police Station,
Krishnagiri District.

3.The Public Prosecutor,
High Court, Madras.

1 cc to M/s.K. Selvakumraswami, Advocate, sr. 64882

Cr1.O.P.No.424 of 2016

SAI (CO)
kk 17/11



WEB COPY