

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.08.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.9557 of 2016

1.P.Arumugam

2.M.Manohar,
Head Constable 11285,
E-4 Abirampuram Police Station [L&O]

3.B.N.Harihara Subramanian,
Head Constable 11673,
J-3, Guindy Police Station [L&O] Petitioners

Vs

1.The Assistant Commissioner of Police,
Saidapet Region, Chennai-15.

2.The District Collector,
Collectorate of Chennai,
Singaravelar Maaligai,
62, Rajaji Salai,
Chennai-1.

3.The Revenue Divisional Officer,
Saidapet, Chennai-15. Respondents

[R2 & R3, impleaded as per order of this Court
dt.11.7.2016 in Crl.MP.7059/16]

Criminal Original Petition filed under Section 482 of
Cr.P.C., praying to direct the respondent to pass final order
in Cr.No.47/2009 on the file of the respondent Police within
stipulated time.

For Petitioners : Mr.S.Ilamvaludhi
For Respondents : Mr.C.Emalias, APP

O R D E R

This petition has been filed to direct the respondent to
pass final order in Cr.No.47/2009 on the file of the
respondent Police within stipulated time.

2. Heard the learned counsel for the petitioner; learned
Additional Public Prosecutor appearing for the respondents and
perused the materials placed on record.

3. On 22.08.2016, this Court passed the following order :

"On the directions of this Court, Ms.R.Alagumeena, District Revenue Officer/Collector incharge, Chennai District and Mr.M.Babu, Revenue Divisional Officer, Egmore are present. They produced the file from the Collectorate which shows that the private complaint has been drafted by the then Personal Assistant to the Collector, Chennai District, and it appears that it has also been filed before the Chief Metropolitan Magistrate, Egmore, which has been taken on file as M.P.No.3040 of 2012.

2. The learned Additional Public Prosecutor also produced a copy of the summons dated 25.09.2014 that has been issued by the Court of Chief Metropolitan Magistrate, Egmore, to one Manikandan for his appearance to give evidence.

3. Under such circumstances, the learned Additional Public Prosecutor appearing for the respondents prays for some time for the officials to verify from the Court as to the fate of MP.No.3040 of 2012.

4. Recording the submission of the learned Additional Public Prosecutor, matter is adjourned to 29.08.2016.

5. The presence of the District Revenue Officer/Collector Incharge, Chennai District, for future hearings is dispensed with and she shall ensure that a responsible officer attends the hearing before this Court for giving instructions to the learned Additional Public Prosecutor.

Post on 29.08.2016."

4. On 29.08.2016, this Court passed the following order :

"Today, when the matter was taken up for hearing, the learned Additional Public Prosecutor produced a communication addressed by the Tahsildar to the District Collector, wherein, it is stated that in CrI.M.P.No.3040 of 2012 before the learned Chief Metropolitan Magistrate, seven witnesses have been examined on the side of the prosecution and four more witnesses are required to be examined. Hence, the case is adjourned to 31.08.2016."

5. From the above, it is seen that on the complaint lodged by the Sub-Divisional Magistrate and Additional Personal Assistant to the Collector, Chennai Collector, Chennai-1, an enquiry under Section 202 Cr.P.C. is being conducted by the learned Chief Metropolitan Magistrate in CrI.M.P.No.3040 of 2012.

6. Mr.Gopinath, Additional Public Prosecutor is in charge of the said case. The fact remains that out of the five accused persons, two of them, namely, Elumalai and Charles have died and Arumugam has retired from service.

7. In the light of the above, the learned Chief Metropolitan Magistrate, Egmore, Chennai, is directed to complete the enquiry in Crl.M.P.No.3040 of 2012 within two months from the date of receipt of a copy of this order. The District Collector and Revenue Divisional Officer are directed to ensure that their officials shall appear before the learned Chief Metropolitan Magistrate on the hearing dates and render assistance to Mr.Gopinath, Additional Public Prosecutor for completing enquiry in Crl.M.P.No.3040 of 2012 as directed above.

With the above direction, this petition is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1.The Assistant Commissioner of Police,
Saidapet Region, Chennai-15.

2.The District Collector,
Collectorate of Chennai,
Singaravelar Maaligai,
62, Rajaji Salai, Chennai-1.

3.The Revenue Divisional Officer,
Saidapet, Chennai-15.

4.The Chief Metropolitan Magistrate, Egmore,
Chennai.

5.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.S.Ilamvaludhi, advocate,sr.49338.

rj(co)
krd 16/9

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