



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:21.07.2017
CORAM:
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P. (MD)No.9386 of 2017

WEB COPY

Paulraj

... Petitioner

-Vs-

1.The Superintendent of Police,
Office of the Superintendent of Police,
Tiruchi District.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Manaparai, Tiruchi District.

2.The Sub-Inspector of Police,
Puthanatham Police Station,
Tiruchi District.

....Respondents

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, praying this Court to direct the second respondent to file a final report in Crime No.63 of 2017, dated 1.5.2017 and to proceed with the same as per law within the time limit prescribed by this Court.

For Petitioner : M/s.R.Venkatesan

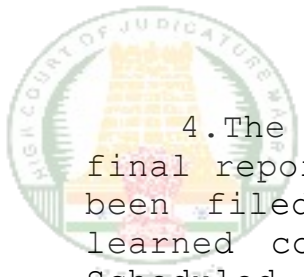
For Respondents : Mr.C.Ramesh
Addl. Public Prosecutor

O R D E R

This Criminal Original petition has been filed seeking to direct the second respondent to file a final report in Crime No.63 of 2017, dated 1.5.2017 and to proceed with the same as per law within the time limit prescribed by this Court.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and perused the materials placed before this Court.

3.When the matter is taken up for hearing today, the learned Additional Public Prosecutor, on instructions, submitted that the investigation is over and the final report is likely to be filed within a month.



4. The learned counsel for the Petitioner submitted that the final report has to be filed within 60 days. Since the FIR has not been filed within the time, proceedings shall not go on. The learned counsel for the Petitioner relies on Rule 7 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, which reads as under:

'7. Investigating Officer:--(1) An offence committed under the Act shall be investigated by a police officer not below the rank of a Deputy Superintendent of Police. The investigating officer shall be appointed by the State Government/Director General of Police/Superintendent of Police after taking into account his past experience, sense of ability and justice to perceive the implications of the case and investigate it along with right lines within the shortest possible time.

((2) The Investigating Officer so appointed under sub-Rule (1) shall complete the investigation on top priority, submit a report to the Superintendent of Police, who in turn shall immediately forward the report to the Director General of Police or Commissioner of Police of the State Government, and the officer in charge of the concerned Police Station shall file the charge sheet in the Special Court or the Exclusive Special Court within a period of sixty days (the period is inclusive of investigation and filing of charge sheet)

((2-A) The delay, if any, in investigation or filing of charge sheet in accordance with sub-rule (2) shall be explained in writing by the investigating officer.)

((3) The Secretary, Home Department and the Secretary, Scheduled Castes and Scheduled Tribes Development Department (the name of the Department may vary from State to State) of the State Government or Union Territory Administration, Director of Prosecution, the officer in charge of Prosecution and the Director General of Police or the Commissioner of Police in charge of the concerned State or Union Territory shall review by the end of every quarter the position of all investigation done by the investigating Officer.)'

5. Rule 7(2) though states that the charge-sheet should be filed within 60 days, it is not mandatory, as the specification of the period is for a different purpose. It is also clarified by 7 (2-A) prescribing that the delay in filing the charge-sheet shall be explained by the Investigating Officer.

6. Having regard to the provisions, the contention of the Petitioner has no merits. However, taking into account the statement of the learned Additional Public Prosecutor, a direction is issued to the second respondent to file the final report in Cr.No.63 of 2017, dated 1.5.2017, within a period of one month



7. With the above direction, the Criminal Original Petition is disposed of.

Sd/-

ASSISTANT REGISTRAR (RTI)

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/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Tiruchi District.
2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Manaparai, Tiruchi District.
2. The Sub-Inspector of Police,
Puthanatham Police Station,
Tiruchi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC TO MR. R. VENKATESAN, ADVOCATE, SR NO. 67326

vsn

MAS/SKN-RSK/SAR2:27.07.2017:3P-6C

CRL.O.P. (MD) No. 9386 of 2017
21.07.2017