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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.12.2018

CORAM:
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.26394 of 2016
and M.P.No.13168 of 2016

T.M.Prakash ... Petitioner/Defacto Complainant
Vs.

1.The Inspector General of Police(CBCID),
The Office of the CBCID,
Guindy, Chennai.

2.The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.

3.The Inspector of Police,
Thiruvannamalai Town Police Station,
Thiruvannamalai.

..Respondents/Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to direct the 1st respondent/CBCID to investigate the case in Crime No. 620 of 2016 from 3rd respondent and file the final report within the stipulated time.

For Petitioner : Mr.M.Pari

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed seeking to transfer the investigation in Crime No. 620 of 2016, which is pending on the file of the 3rd respondent.

2 This petition was filed in the year 2016. When the matter came up for hearing on 3.10.2017, a representation was made based on the instructions given by the 3rd respondent to the effect that the investigation has already been completed and a final report has been filed before the concerned Court. This Court therefore, directed the 3rd respondent to produce the final report, if it has already been filed. Thereafter, the case was adjourned for several hearings.



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3 This Court passed the following order on 13.11.2018
"when the matter came up for hearing on 03.10.2017, it was represented on the side of the respondent police that investigation has been completed and a charge sheet has already been filed before the concerned Court. This Court directed the respondent police to produce the final report, if it has already been filed.

The learned Additional Public Prosecutor sought time to produce the final report before this Court on 20.11.2018. Post this matter on 20.11.2018 immediately after admission."

4 Thereafter, this Court again adjourned the matter to 03.12.2018, even on that day there was no response from the 3rd respondent. Left with no other option, this Court passed the following order on 04.12.2018.

"This Court passed an order dated 13.11.2018, directing the respondent police to produce the final report. There was no response from the respondent police. Thereafter, the matter came up again on 29.11.2018 and one more opportunity was given to the respondent police and the matter is posted today i.e., 05.12.2018 and even today there is no response from the third respondent police.

The learned Additional Public Prosecutor would submit that in spite of repeated communications sent to the respondent police, the concerned police has not contacted the Public Prosecutor office.

Hence issue bailable warrant to the Inspector of Police, Thiruvannamalai Town Police Station, through Superintendent of Police, Thiruvannamalai District. The Superintendent of Police shall execute the bailable warrant and ensure the presence of the Inspector of Police, Thiruvannamalai Town Police Station, on 11.12.2018.

Post the matter on 11.12.2018 immediately after admission."

5 Today, the Inspector of Police namely B.Chandrasekaran, Thiruvannamalai Town is present before this Court along with the Deputy Superintendent of Police Thiruvannamalai Town. Even today, the 3rd respondent is not in a position to explain to this Court the stage of investigation.



6 This Court is thoroughly disappointed with the conduct of the 3rd respondent. The 3rd respondent has taken this Court for granted. Even without verifying records, the 3rd respondent has instructed the Additional Public Prosecutor that the investigation has been completed and a final report has been filed. This status was maintained right from 03.10.2017 onwards till today. However, CD file reflects that there is absolutely no progress in the investigation.

7 It took enormous efforts for this Court to bring the 3rd respondent before this Court. This Court with very great hesitation issued a bailable warrant against the 3rd respondent and the same was directed to be executed by the Superintendent of Police, in order to ensure the presence of the 3rd respondent. Today, the 3rd respondent was brought before this Court by the Deputy Superintendent of Police Thiruvannamalai Town.

8 This Conduct by itself shows that the investigation should not continue with the 3rd respondent. The investigation has to be necessarily transferred to a different agency.

9 In the facts and circumstances of the case, the 3rd respondent is directed to handover the entire CD file to the Inspector of Police, CBCID, Thiruvannamalai Town within a period of one week from the date of the copy of this order. Immediately on receipt of the CD file, the Inspector of Police, CBCID, Thiruvannamalai is directed to go ahead with investigation and shall file a final report as expeditiously as possible.

10 With the above direction, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mpa/rpl

To

1.The Inspector General of Police(CBCID),
The Office of the CBCID,
Guindy, Chennai.



2.The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.

3.The Inspector of Police,
Thiruvannamalai Town Police Station,
Thiruvannamalai.

4.The Deputy Superintendent of Police,
Tiruvannamalai District.

5.The Inspector of Police (CBCID)
Tiruvannamali Town.

6.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Pari, Advocate, S.R.No.86421

CrI.O.P.No.26394 of 2016
and M.P.No.13168 of 2016

AK(CO)

rrs 10/01/2019