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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN
Crl.R.C.No.687 of 2013

K.Kumutha

...Petitioner

Vs.

1. State by
The Sub-Inspector of Police,
Ambur Taluk Police Station.
2. Shenbagavalli
3. Jayachandran
4. Sampath
5. Kalaiselvi
6. Latha
7. Jamuna
8. Umashankar

...Respondents

This Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure against the order passed in Cr.M.P.No.1231 of 2013 dated 19.04.2013 by the learned Principal Sessions Judge, Vellore, dismissing the petition filed by the petitioner for cancellation of Anticipatory Bail granted to respondents 2 to 8 in Cr.M.P.No.927 of 2013 dated 08.03.2013.

For Petitioner : Mr.R.Amardeep
For Respondents: Mr.R.Ravichandran,
Govt. Advocate (Crl.Side) for R1
Mr.T.R.Ravi for R3

O R D E R

This criminal revision has been filed against the order passed in Cr.M.P.No.1231 of 2013 dated 19.04.2013 by the learned Principal Sessions Judge, Vellore.

2 The petitioner filed a complaint against the respondents 2 to 8, who are family members, due to harassment made by them and based on the same a case was registered for the offence punishable under Sections 498(A) and 506(Iii) of IPC and Section 4 of Women Harassment Act. During investigation, respondents 2 to 8 had obtained anticipatory bail from the learned Principal Sessions



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Judge, Vellore, Vellore District, vide order dated 08.03.2013 in Cr.M.P.No.327 of 2013. The petitioner/complainant had filed a petition in Cr.M.P.No.1231 of 2013 under Section 439(2) of Cr.P.C. The learned Sessions Judge, after hearing both the parties, had dismissed the petition by order dated 19.04.2013, which is under challenge in the present criminal revision case.

3 The learned counsel for the petitioner/complainant would submit that the petitioner is widow and respondents 2 to 8, who are her family members, had harassed the petitioner and hence she preferred the complaint. The learned Sessions Judge, without considering the nature of the offence averred in the complaint and without seeing the overt acts attributed against the respondents 2 to 8, had granted anticipatory bail. Therefore, the petitioner filed the petition, seeking to cancel the anticipatory bail. The learned Sessions Judge, dismissed the petition, which warrants interference.

4 The learned counsel for the third respondent would submit that granting bail or anticipatory bail is wholly a discretionary power vested with the Court and hence no revision would lie against the order of bail or anticipatory bail. Therefore, he would pray for rejection of the present criminal revision case.

5 The learned Government Advocate (Crl.Side) appearing for the first respondent police would submit that the police officials had conducted investigation into the matter and completed the same and charge sheet has not yet been filed.

6 Heard both sides and perused the materials available on record.

7 It is seen that the dispute arose between the family members will led to file a criminal case. As rightly pointed out by the learned counsel for the third respondent, granting bail or anticipatory bail, is a discretionary power of the Court, in which this Court cannot interfere. According to learned Government Advocate (Crl.side), investigation has been completed and charge sheet has not yet filed. The complaint is of the year 2013 and the parties and witnesses are resided in local area only and hence it is highly condemnable that the prosecution has not yet filed charge sheet, even after five years and also after completion of investigation. The first respondent police is hereby directed to file a charge sheet before the Court concerned, within a period of one week



from the date of receipt of a copy of this order and the Court is directed to take up the matter on file and dispose of the same, within a period of three months from the date of filing of charge sheet before the Court.

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8 Further, even though there is no time limit for filing of charge sheet, since after five years of completion of investigation, the police has not filed any charge sheet, the Superintendent of Police concerned is directed to take action against the officer concerned, who is responsible for not filing the charge sheet soon after completion of investigation.

9 With the above directions, the criminal revision is dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Sessions Judge, Vellore.
 2. The Public Prosecutor, Madras High Court.
- +lcc to Mr.T.R.Ravi , Advocate SR.No. 74223

CrI.R.C.No.687 of 2013

A.SK(09/08/2019)