

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.1320 of 2018

Arumugam ... Petitioner/Defacto
complainant

Vs.

- 1.The Superintendent of Police,
Tiruvannamalai District at
Tiruvannamalai.
- 2.The Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai. ... Respondent/Complainants
(Crime No.688 of 2015)

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the first respondent herein viz the Superintendent of Police, Tiruvannamalai District at Tiruvannamalai to direct the second respondent herein viz, the Inspector of Police, Tiruvannamalai Town Police Station, Tiruvannamalai District to conduct further investigation in the above case in Crime No.688 of 2015 on his file and file a final report

For Petitioner : Mr.L.Mahendran

For Respondents : Mrs.P.Kritika Kamal,
Government Advocate (Crl. side)

O R D E R

This petition has been filed by the petitioners seeking for a direction to the first respondent to direct the second respondent to conduct further investigation in Crime No.688 of 2015 on his file and file a final report.

2. Heard Mr.L.Mahendran, learned counsel for the petitioner as well as the Mrs.P.Kritika Kamal, learned Government Advocate (Crl. side) appearing for the respondents.

3. The ground, on which, the petitioner has sought for further investigation in Crime No.688 of 2015 and that when the jurisdictional Magistrate had initiated the proceedings with the referred charge sheet and closed the same without giving any opportunity to him.

4. Learned Government Advocate (Crl. side), on the other hand, opposed the same stating that due opportunities were given to the petitioner herein and since the petitioner had evaded the service, the notice was effected by affixing the same on his address.

5. It is seen from the endorsement of the learned Judicial Magistrate-1, Tiruvannamalai dated 19.08.2017 that the notice sent to the petitioner herein had been returned with the endorsement, 'No such address'. As such, effecting service through affixture of service on the wrong address may not amount to proper service.

6. In view of this, it would be appropriate to give liberty to the petitioner to approach the learned Magistrate, for the purpose of raising his objections.

7. In the result, the proceedings on the referred charge sheet in RCS. No.402 of 2017 dated 19.08.2017 on the file of the learned Judicial Magistrate-1, Tiruvannamalai is set aside. Consequently, the petitioner is granted liberty to put forth his grievances before the concerned Magistrate on the referred charge sheet No.402 of 2017, within a period of one week from the date of receipt of a copy of this Order. After giving due opportunities to the petitioner, the learned Judicial Magistrate shall pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this Order.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Judicial Magistrate,
No.1, Tiruvannamalai.

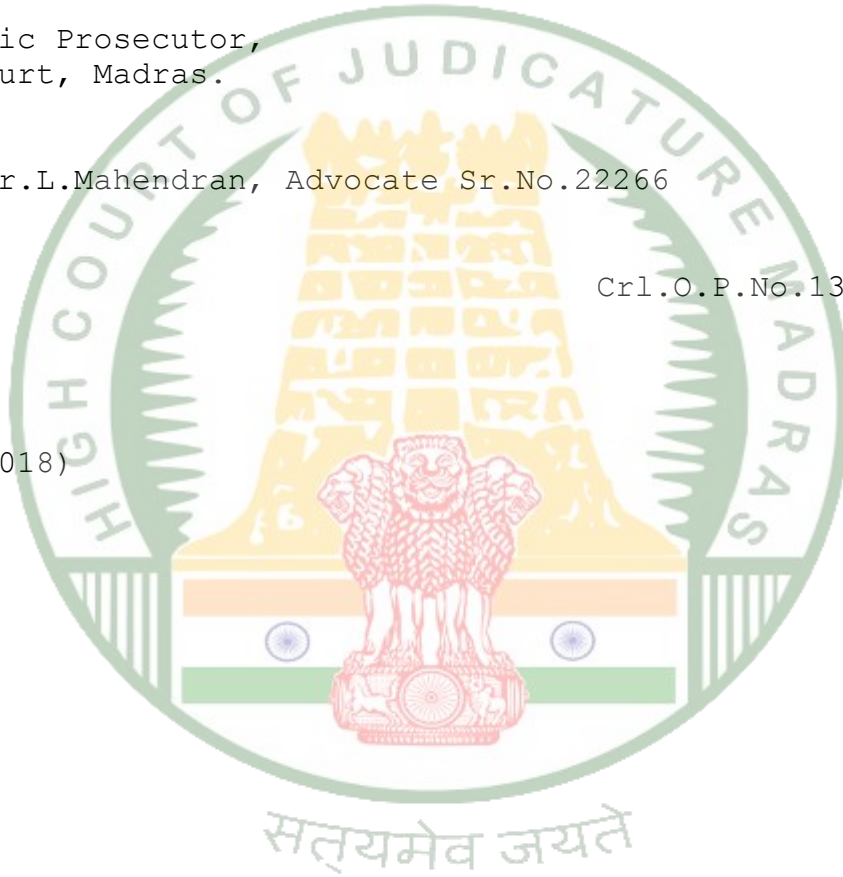
2.The Inspector of Police,
Tirupur North Police Station (Crimes),
Tirupur,
Coimbatore.

3.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.L.Mahendran, Advocate Sr.No.22266

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KP(09/04/2018)



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