

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2018

C O R A M

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.25035 of 2018

M.R.Kaveri,
D/o.Muthuraman @ Ramasamy,
Chinnavadagambatti,
Periyavadagampatti (Post),
Kadaiyampatti Taluk,
Salem District-636 354. Petitioner

Vs.

1. The State Rep. by
Superintendent of Police,
Salem.
2. The Inspector of Police,
Deevattipatti Police Station,
Salem. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying to issue an order of direction directing the respondents to produce the Photos, C.D in PRC No.33 of 2013 pending before the Principal Sessions Court, Salem within a stipulated period. as that may be prescribed by this Court.

For Petitioner : Mr.K.Prasanna

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

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the 2nd respondent to produced the Photos and C.D's before the Judicial Magistrate, Omalur in pending PRC No.33 of 2013.

2. It is seen from the records that F.I.R was registered by the 2nd respondent in Crime No.111 of 2012 for an alleged offences under Sections 341, 323, 324, 307 and 302 I.P.C. After completion of the investigation, final report was laid before the Judicial Magistrate, Omalur and the same has

been taken on file in PRC No.33 of 2013. From then on, the proceedings are pending since the 2nd respondent has not produced the Photos and C.D's that were collected during the course of investigation.

3. On 10.07.2018, the Chief Judicial Magistrate, Salem, wrote a letter to the Superintendent of Police, Salem informing that the 2nd respondent police has not produced the Photo's and C.D's for a very long time before the concerned Court in spite of several request made to him. Therefore, the Chief Judicial Magistrate, Salem had requested the Superintendent of Police, Salem to immediately direct the 2nd respondent to handover the Photos and C.D's in order to proceed further with the pending case. In spite of the said letter, there was no response from the 2nd respondent. Thereafter, the Chief Judicial Magistrate, Salem has passed an order 16.07.2018 wherein the 2nd respondent was again directed to produce the entire Photo's and C.D's before the Judicial Magistrate, Omalur in the pending PRC No.33 of 2013. In spite of this order also, the 2nd respondent has not produced the relevant electronic records before the concerned Court.

4. The attitude of the 2nd respondent in this case is highly condemnable. The 2nd respondent has no business to retain the records that were collected in the course of investigation and he is duty bound to handover the entire records before the concerned Judicial Magistrate Court, Omalur. All the efforts taken by the Court below and also the Chief Judicial Magistrate, Salem has gone in vain till now. The committal proceedings have been pending from the year 2013 onwards due to inaction on the part of the 2nd respondent.

5. In the facts and circumstances of the case, there shall a direction to the 2nd respondent to immediately produce the Photos and C.D's before the Judicial Magistrate, Omalur in PRC No.33 of 2013 within a period of one week from the date receipt of a copy of this order. Immediately on receipt of the said electronic records, the Judicial Magistrate, Omalur is directed to commit the proceedings to the concerned Sessions Court without any further delay.

6. With the above directions, the *Criminal Original Petition is disposed of*. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

bsm

To

1. The Principal Sessions Court, Salem.
 2. The Superintendent of Police, Salem.
 3. The Public Prosecutor, High Court, Madras.
 4. The Inspector of Police,
Deevattipatti Police Station,
Salem.
 5. The Judicial Magistrate Omalur.
 6. do The Chief Judicial Magistrate Salem.
- +1cc to Mr.K.Prasana, Advocate, S.R.No.76551

Crl.O.P No.25035 of 2018

VGI (CO)

GSP (23/11/2018)



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