



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1 OP(MD)No.195 of 2018

John Rose

...Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District at Nagercoil.

2.The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

...Respondents

PRAYER:- Petition filed under Section 482 of Criminal Procedure Code, to issue a suitable direction directing the 2nd respondent police to complete the investigation in Crime No.46 of 2014 and to file final report within the time stipulated by this Court

For Petitioners: Mr.M.R.Sreenivasan

For Respondents: Mr.K.Suyambulinga Bharathi,
Government Advocate (Cr1 Side)

ORDER

This Criminal Original Petition has been filed for a direction to the second respondent to file a final report in Crime No.46 of 2014.

2.The learned Government Advocate would submit that the final report was filed by the respondent Police for the offence under Sections 279, 337 and 338 of IPC, before the Judicial Magistrate, Eraniel. However, the said final report was rejected on the ground that it has been filed beyond the period of limitation as per Section 468 of CrPC.

3.The learned Counsel for the petitioner would submit that the respondent Police ought to have filed an application under Section 473 CrPC and should have sought for condonation of the delay in filing the final report, but the same has not been done in



this case.

4. There shall be a direction to the second respondent to file a petition under Section 473 CrPC explaining the reasons for the delay in the investigation and thereafter file a final report, before the Judicial Magistrate, Eraniel. The Judicial Magistrate, Eraniel shall consider the application to be filed by the second respondent and proceed in accordance with law.

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

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

Sub Assistant Registrar (CS-II)

To

1. The Superintendent of Police,
Kanyakumari District at Nagercoil.
2. The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.M.R.SREENIVASAN, ADVOCATE IN SR NO.81726

DSK

BU/SKN/SAR-II : 01.10.2018 : 2P/5C

Cr1 OP (MD) No.195 of 2018
31.08.2018