

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 19.06.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.10174 of 2016

L.Bhahimunisha

... Petitioner

-vs-

1.The Commissioner of Police,
Chennai City.

2.The Inspector of Police,
F-1 Chidripet Police Station,
Chennai.

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the 1st respondent to transfer of investigation in crime No.1364/2015 on the file of the 2nd respondent from the 2nd respondent to any other police officer not below the rank of Inspector of Police for completing the investigation and file final report by considering the petitioner's representation dated 25.04.2016 within the time stipulated by this Court an accordance with law.

For Petitioner : Mr.S.Mohamed Ansar

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

ORDER

This petition has been filed to direct the 1st respondent to transfer of investigation in crime No.1364/2015 on the file of the 2nd respondent from the 2nd respondent to any other police officer not below the rank of Inspector of Police for completing the investigation and file final report by considering the petitioner's representation dated 25.04.2016 within the time stipulated by this Court an accordance with law.

2.The learned Additional Public Prosecutor on instructions submitted that the investigation has been completed and a final report has already been filed before the learned XIVth Metropolitan Magistrate, Egmore, Chennai on 08.04.2017 and the same is yet to be taken cognizance.

3.The learned counsel for the petitioner submitted that there are totally three accused persons in this case and the final report has been filed only as against two accused persons.

4.This Court does not find any grounds to transfer the investigation at this stage and if one of the accused persons has been left out in the final report, it is always open to the Court below to add him as an accused based on the materials collected in the course of investigation or at a later point of time under Section 319 of Cr.P.C.

5.This Criminal Original Petition is disposed of with a direction to the learned XIVth Metropolitan Magistrate, Egmore, Chennai to take cognizance of the final report filed by the respondent police within a period of 10 days from the date of receipt of the copy of this order and proceed further with the case and complete the same within a period of six months thereafter.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

vs

To

1.The Commissioner of Police,
Chennai City.

2.The Inspector of Police,
F-1 Chithadripet Police Station,
Chennai.

3.The XIV Metropolitan Magistrate, Egmore

4.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.M.Mohamed Ansar, Advocate sr 50256.

KS(CO)
SP(11/07/2019)

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