

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.RC.No.998 of 2018

A.B.Karl Marx Siddharthar

... petitioner

Vs.

1.Prem Kumar
Sub Inspector of Police,
Sembiam Police Station,
Sembiam, Perambur, Chennai-11.

2.Prakash
Sub Inspector of Police,
Sembiam Police Station,
Sembiam, Perambur, Chennai-11.

3.Ramakrishnan
Head Constable,
Sembiam Police Station,
Sembiam, Perambur, Chennai-11.

4.Venkateswaran Alias Venkatesan

5.Balaji Alaiias Deenadayalan

6.Ukkira Paandian
Inspector of Police,
Sembiam Police Station,
Sembiam, Perambur,
Chennai-11.

7.John Joseph
Assistant Commissioner of Police,
Sembiam Police Station,
Chennai-11.

..Respondents

Prayer: This Criminal revision is filed under Section 397 r/w.401 of Criminal Procedure Code to call for the records in Crl.MP.No.Sr.11066 of 2018 on the file of the Principal Sessions Judge, Chennai-104 and to set aside the order dated 07.07.2018

made in CrI.MP.Sr.No.11066 of 2018 and consequently to direct the Principal Sessions Judge, Chennai to proceed in accordance with law.

For petitioner : Mr.V.J.Arulraj
For Respondents : Mr.Ganesh Kumar -
R1 to R3 & R6 & R7.
Mr.J.Vijayasankar for R4 & R5.

O R D E R

This Criminal revision is filed to set aside the order dated 07.07.2018 made in CrI.MP.Sr.No.11066 of 2018 on the file of the Principal Sessions Judge, Chennai.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.

3. According to the petitioner, the petitioner lodged a complaint dated 09.11.2006 against the three named persons/respondents 1 to 3 in FIR No.1348 of 2016. The complaint was not taken on file and no charge sheet has been filed. The recital of the complaint reveals that the allegations were also made out for the offences under SC/ST Act. Whereas the FIR has been registered only for the offences punishable under Section 341 & 323 IPC. The FIR is in the year of 2016, till date investigation is not completed and charge sheet has not been filed. In the meanwhile, the complainant has also filed private complaint impleading all the police officials as per SC/ST Act. The Principal Sessions Judge rejected the claim of the petitioner stating that the petitioner/complainant is not clear in seeking the relief.

4. At this stage, this Court lost its faith on the police and cannot expect them in conducting fair investigation. Hence, this Court is inclined to direct the CBCID to take up the complaint on file and to investigate the complaint afresh including the offences under SC/ST Act and to file a charge sheet within a period of six months from the date of receipt of a copy of this order. The CBCID is further directed to authorise an officer not below the rank of Deputy Superintendent to investigate the complaint. The present investigating agency/police is directed to handover the entire case records to the custody of CBCID within a period of one week from the date of receipt of a copy of this order.

5. With the above directions, this criminal revision is disposed of.

tsh

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Principal Sessions judge,
Chennai-104.
2. The Public Prosecutor,
High Court, Madras.
3. The Superintendent,
CBCID, Chennai.

+1cc to Mr.V.J.Arulraj, Advocate, S.R.No.13840
+1cc to Mr.J.Vijayashankar, Advocate, S.R.No.14241
+1cc to Mr.R.Ganesh Kumar, Advocate, S.R.No.13607`

Cr1.RC.No.998 of 2018

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Kak (11/03/2019)

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