

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :03.07.2019

CORAM:
THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.9580 of 2019

K.R.R.Aiyyappamani

... Petitioner/
Defacto Complainant

Vs.

1.State rep by

The Inspector of Police,
Hasthampatti Police Station,
Salem District
(Crime No.402 of 2018)

...R1/Complainant

2.K.Ramakrishnan

... Respondent2/Petitioner

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., cancel the bail granted to the second respondent/accused by the learned Principal Sessions Judge, Salem in CMP No.3726/2018 in Cr.No.402/2018 on the file of R2 dt.2.11.2018.

For Petitioner : Mr.Karthick
Senior Counsel for
Mr.R.Nalliyppan

For R1 : Mrs.M.Prabhavathi
Additional Public Prosecutor

For R2 : Mr.E.Kannadasan

O R D E R

This petition has been filed for cancellation of bail granted to the second respondent by the learned Principal Sessions Judge, Salem by an order dated 02.11.2018 in Crl.M.P.No.3726 of 2018.

2.The learned senior counsel for the petitioner would submit that even after granting bail to the second respondent, the defacto complainant filed direction petition before this Court in Crl.O.P.No.2401 of 2019 and this Court by an order 08.02.2019 directed the first respondent to file a final report within a period of three months from the date of receipt of a copy of this order. Even till today, the first respondent did not file final report. He further submitted that the first respondent did not conducted proper investigation and to file a final report. Therefore, he sought for cancellation of bail granted to the second respondent.

3. The learned Additional Public prosecutor submitted that on the direction issued by this Court in Crl.O.P.No.2401 of 2019 dated 08.02.2019, the first respondent completed the investigation and filed a final report before the Concerned Judicial Magistrate No.III, Salem on 08.04.2019. But the learned Senior Counsel appearing for the petitioner submitted that on such representation, they verified and find that no such charge sheet was filed on 08.04.2019. Now, the learned Additional Public Prosecutor again submitted that on the date of hearing she filed final report and confirmed that said charge sheet was filed on 08.04.2019 itself. But the said charge sheet is not taken cognizance by the learned Magistrate.

4. Considering the facts and circumstances of the case, this Court finds no merits in this petition to cancel the bail granted to the second respondent. However, the learned Judicial Magistrate No.III, Salem is directed to take charge sheet on file if it is in order and issue summons to the accused and proceed with the trial.

5. This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mpa

To

1.The learned Judicial Magistrate No.III,
Salem.

2.The Inspector of Police,
Hasthampatti Police Station,
Salem District.

3.The Principal Sessions Judge,
Salem.

4.The Chief Judicial Magistrate,
Salem.

+1cc to Mr.E.Kannadasan, Advocate, S.R.No.55635

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RV(CO)

RRS(05/08/2019)