

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.19529 of 2018

S.N.Ravi

... Petitioner/Defacto Compalinant

Vs.

1.State by
the Sub-Inspector of Police,
Sathyamangalam Police Station,
(in Cr.No.215 o 2017),
Erode District.

2.B.Geethalakshmi

3.S.K.Balamanickam

4.B.Gokulakrishnan

5.S.K.Nagamanickam

6.Ganesh

7.Jegatheesan

8.Susila

9.Vairamanickam @ S.M.Arumugham

10.Kanagamani

11.S.K.Shanmugham

12.S.K.Krishnamoorthy

13.S.M.Shanmughasundaram

14.Ramakrishnan

15.A.Murugan

... Respondents/Accused

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, directing the learned Judicial Magistrate, Sathyamangalam to take Charge Sheet if already laid in to file in the above case (FIR No.215 of 2017) and try the case as early as possible in the interest of Justice and also if Charge Sheet has not so far been filed, direct the Prosecution/the 1st respondent to lay charge sheet as early as possible in a time bound period so that the offenders are made to meet the ends of Justice as early as possible.

For Petitioner : Mr.R.Vijayan

For R1 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

The prayer sought for in the Criminal Original Petition is to direct the learned Judicial Magistrate, Sathyamangalam to take Charge Sheet if already laid in to file in the above case (FIR No.215 of 2017) and try the case as early as possible in the interest of Justice and also if Charge Sheet has not so far been filed, direct the Prosecution/the 1st respondent to lay charge sheet as early as possible in a time bound period so that the offenders are made to meet the ends of Justice as early as possible.

2.The learned Counsel appearing for the petitioner would submit that the petitioner, who is the defacto complainant, is the husband of the second respondent, first respondent is the complainant in the above case and respondent Nos.3 to 15 are close relatives of the second respondent.

3.Further the learned counsel for the petitioner submitted that the petitioner gave an oral complaint to the first respondent police on 10.09.2016 in the G.H. Coimbatore for the offence committed by the respondent Nos.2 to 15 on 08.09.2016. The first respondent police gave a receipt for the complaint given. Since no action was taken against the respondent Nos.2 to 15, the petitioner filed a private complaint before the learned Judicial Magistrate, Sathyamangalam on 10.03.2017. The learned Judicial Magistrate, Sathyamangalam by its order dated 24.05.2017, directed the Police to register the FIR. The first respondent police registered the FIR on 28.05.2017 for the offence committed on 08.09.2016, since no action taken by the respondent police. When the petitioner approached the first respondent Police, the first respondent police gave a letter dated 02.01.2018 stating that the charge sheet was filed on 30.08.2017 before the Judicial Magistrate, Sathyamangalam. But the learned Judicial Magistrate, Sathyamangalam has denied that

the charge sheet has not been filed in the Court. The Assistant Director Office, Erode (Information Officer) gave a reply stating that the learned APP, Grade-II, has not been given charge sheet for reorganization. Hence, the petitioner filed this present Criminal Original Petition.

4.Heard Mr.R.Vijayan, learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the first respondent.

5.It is seen that the petitioner obtained an information on 31.11.2017 under Right to Information Act and it reveals that the first respondent had already filed the charge sheet on 30.08.2017. When the petitioner filed a copy application before the Judicial Magistrate, Sathyamangalam, the learned Judicial Magistrate, Sathyamangalam has stated that no charge sheet is filed.

6.Considering the facts and circumstances, this Court is inclined to pass the following order:

- 1.the first respondent is directed to file the charge sheet along with final report, within a period of two weeks from the date of receipt of a copy of this order; and
2. On receipt of the same, the learned Judicial Magistrate, Sathyamangalam is directed to take cognizance on the final report filed by the first respondent, within a period of two weeks thereafter.

7.With the above said directions, this Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate,
Sathyamangalam.

2.The Sub-Inspector of Police,
Sathyamangalam Police Station,
Erode District.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.R.Vijayan, Advocate, Sr.No. 20726

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VGII (CO)
CSL/27.04.2019