

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.19963 of 2019

Muthukani

...Petitioner

Vs.

State rep. By

1. Inspector of Police,
S-5, Pallavaram Police Station,
Chennai.
2. Stephon @ Selvaraj
3. Kadarkarai
4. Muniyammal
5. Kowsalya
6. Xavier

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to direct the Judicial Magistrate, Tambaram to dispose of the Crl.M.P No.1276 of 2019 as expeditiously as possible within a time frame pending trial in C.C No.243 of 2012 on the file of the Judicial Magistrate, Tambaram.

For Petitioner : Mr. C.V.Kumar

For 1st Respondent : Mr. M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed for a direction to the Court below to dispose of Crl.M.P No.1276 of 2019 within a time frame to be fixed by this Court.

2. It is seen from the records that the final report was filed in the year 2011 and the Court below has taken cognizance in the year 2012 in C.C No.243 of 2012. After nearly 7 years, the petitioner has filed a petition under Section 173(8) of Cr.P.C seeking for further investigation.

3. The learned counsel for the petitioner submitted that eventhough the cognizance was taken in the year 2012, one accused after another is absconding and NBW is being issued and thereby, absolutely, there is no progress in the case. That apart, there are certain vital facts into which the respondent police have not properly investigated the case.

4. Heard the learned Additional Public Prosecutor appearing on behalf of the respondent police.

5. The relief as sought for by the petitioner cannot be granted by this Court since a petition seeking for further investigation is not maintainable after the Court has taken cognizance of the final report. The law in this regard has already been settled by the Full Bench of this Court in Chinnathambi @ Subramani (A1) vs. State, rep. by Inspector of Police, Vellakovil Police Station, Tirupur District reported in 2017 (2) CTC 241. Therefore, there is no scope for the Court below to entertain the petition for further investigation after the cognizance has been taken.

6. Taking into consideration the facts and circumstances, the Court below is directed to complete the proceedings in C.C No.243 of 2012 within a period of four months from the date of receipt of copy of this order. The Court below shall proceed to conduct the trial on a day today basis in accordance with the guidelines given by the Hon'ble Supreme Court in Vinodkumar vs. State of Punjab reported in 2015 (1) MLJ, (Crl.), page 288. If any of the accused person adopt any dilatory tactics, it is open to the Court below to insist upon their presence and remand them to custody as laid down by the Hon'ble High Court in State of Uttar Pradesh vs. Shambhu Nath Singh reported in JT 2001 (4) SC 319.

7. This Criminal Original Petition is disposed of with the above direction.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate, Tambaram.

2. The Inspector of Police,
S-5, Pallavaram Police Station,
Chennai.

3. The Public Prosecutor
High Court of Madras.

+1cc to Mr.C.V.Kumar, Advocate SR.No.64550

CRL.OP.No.19963 of 2019

PM(CO)
GMY(01/08/2019)



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