

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.8546 of 2017

G.G.Selvaraj

...Petitioner

Vs.

The State rep. by its  
The Inspector of Police  
North Police Station  
Vellore  
(Crime No.391 of 2013)

...Respondent

PRAYER:Criminal Original Petition is filed under Section 482 of Cr.P.C., to issue direction, directing the Judicial Magistrate-IV, Vellore to committal the case and send to the speed trial in PRC No.5 of 2014 in Crime No.391 of 2013 on the file of the respondent police.

For Petitioner : Mr.E.C.Ramesh

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

ORDER

The Criminal Original Petition has been filed by the petitioner under Section 482 of Cr.P.C., to issue direction, directing the Judicial Magistrate-IV, Vellore to committal the case and send to the speed trial in PRC No.5 of 2014 in Crime No.391 of 2013 on the file of the respondent police.

2.The learned counsel for the petitioner would submit that the petitioner is the brother of the deceased G.G.Ramesh. His brother was murdered by 5 members team at the instigation of one Ragu. Hence, a complaint was registered in Crime No.391/2013 under Sections 147, 148, 341, 302, 506(ii) IPC and final report has also been filed in the year 2014 before the learned Judicial Magistrate-IV, Vellore in PRC No.5 of 2014 in Crime No.391/2013 but more than 3 years, the learned Judicial Magistrate-IV, Vellore has not committal the case and send the same to the Sessions Court for Trial.

3.The learned counsel would further submit that the accused involved in his brother's murder have also involved in so many murder cases due to the inaction of the respondent police in appropriate time. They have also attempted to murder G.G.Ravi on 05.09.2015 who is the another brother of the deceased as well as the petitioner. The respondent police has not filed final report in Crime No.545 of 2015. The accused came out from prison and absconded from the police and suddenly appeared in Vellore and murdered G.G.Ravi on 12.02.2017 along with other accused persons. The inaction of the respondent official duty against the habitual offender instigate the accused to commit offence one by one and to commit murder continually. Hence, prays for appropriate relief.

4.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor.

5.Considering the facts and circumstances of the case, the learned Judicial Magistrate-IV, Vellore is hereby directed to committal the case to the Trial Court pending in P.R.No.5 of 2014 in Crime No.391 of 2013 on the file of the respondent police within a period of four weeks from the date of receipt of a copy of this order.

6.With the above direction, this Criminal Original Petition stands disposed of.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To.

1.The Judicial Magistrate-IV,  
Vellore

2.The Inspector of Police  
North Police Station, Vellore.

3.The Public Prosecutor  
High Court of Madras.

+1cc to Mr.E.C.Ramesh, Advocate, S.R.No.31114

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MR(CO)

RRS(10/05/2019)