

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2019

CORAM:

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

CRL.O.P.No. 7999 of 2017

Ethakota Kasi Eswara Babu ... Petitioner

Vs.

1.State rep. by
Superintendent (Gazetted),
Office Regional Administrator,
Yanam, Puducherry State.

2.Inspector of Police,
Yanam Police Station,
Yanam, Puducherry State

... Respondents

PRAYER: Criminal Original Petitions filed under Section 482 of Cr.P.C., to direct the respondents to re-investigate the case filed under F.I.R.No.72 of 2016 on the file of the Station House Officer, Yanam Police Station, Yanam, Puducherry Police under the supervision of Superintendent of police, Pondicherry.

For Petitioner : Mr.N.P. Kumar

For Respondents: Mr.V. Balamurugan

Additional Public Prosecutor (Pondy)

O R D E R

This Criminal Original Petition has been filed by the petitioner to direct the respondents to re-investigate the case filed in Crime No.72 of 2017 under Section 174 Cr.P.C. on the file of the Station House Officer, Yanam Police Station, Yanam, Puducherry Police under the supervision of Superintendent of police, Pondicherry.

2. According to the petitioner, the petitioner who lost his son during the pleasure trip arranged by his son's tuition teacher, lodged a complaint in Crime No.72

of 2016 on the file of the second respondent, against the tuition teacher claiming for his son death. Even though FIR was filed against the tuition teacher, no action has been taken against the suspected person. Hence, the petitioner has filed the present petition to re-investigate the case for appropriate action.

3. According to the learned Additional Public Prosecutor, the investigation in Crime No.72 of 2017 is almost over. The investigation did not reveal any foul play as suspected by the petitioner. After the completion of the investigation, the final report will be filed before this Court. Therefore, he prayed to dismiss this petition.

4. Heard Mr.N.P. Kumar, learned counsel appearing for the petitioner and Mr.V. Balamurugan, learned Additional Public Prosecutor appearing for the respondents.

5. Whenever any information in relation to commission of cognizable or non cognizable offence is received, the police officer shall adhere to the procedure contemplated under Sections 154 & 155 of the Criminal Procedure Code and after conducting necessary enquiry/investigation, file final report under Section 173 of Cr.P.C. Such investigation under Chapter XII of the Criminal Procedure Code shall be completed without any unnecessary delay. The delay in filing a final report in the present case is inordinate and unjustified. Hence, it would be appropriate to direct the Investigating Officer to file a final report within a stipulated time, if not already filed.

6. Considering the facts and circumstance of the case, this Court directs the second respondent police to complete the investigation in Crime No. 72 of 2016 pending on his file and file a final report within a period of four weeks from the date of the receipt of a copy of this Order.

7. This Criminal Original Petition is disposed of accordingly.

Sd/--

Assistant Registrar (CS viii)

//True Copy//

Sub Assistant Registrar

lbm

To:

1. Superintendent (Gazetted),
Office Regional Administrator,
Yanam, Puducherry State.

2. Inspector of Police,
Yanam Police Station,
Yanam, Puducherry State

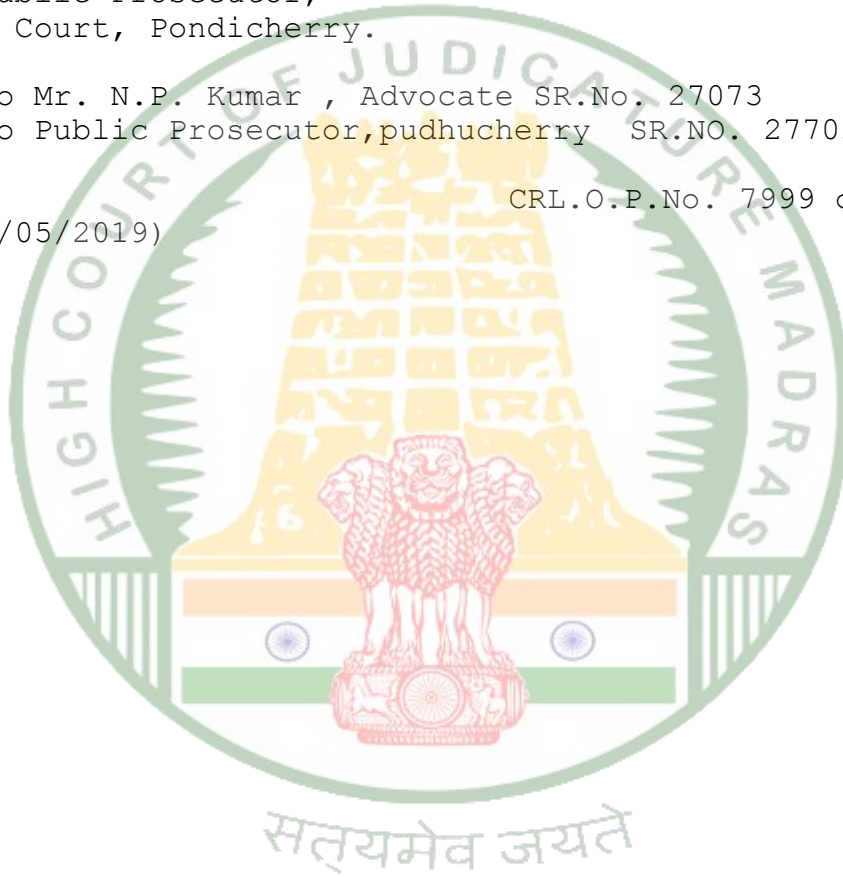
3. The Public Prosecutor,
High Court, Pondicherry.

+2ccs to Mr. N.P. Kumar , Advocate SR.No. 27073

+1 cc to Public Prosecutor, pudhucherry SR.NO. 27702

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A.SK(02/05/2019)



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