

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2019

CORAM:

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CRL.O.P.Nos.32631 and 32634 of 2019

Manoharan @ Manavalan

... Petitioner in both the CRL.OPs

Vs.

1. The Superintendent of Police,
Salem District,
Salem.

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

...Respondents in both the CRL.OPs

PRAYER in CRL.OP.No.32631 of 2019: Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the second respondent to file a charge sheet in Cr.No.128 of 2015 on the file of the second respondent within the prescribed time as fixed by this court.

PRAYER in CRL.OP.No.32634 of 2019: Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the I Additional District and Sessions Judge, Salem to conduct the trial on S.C.No.148 of 2018 and dispose of the same with the time frame as fixed by this court.

For Petitioner : M/s.M.Rajendiran
(in both the CRL.OPs)

For Respondents : Mr.M.Mohamed Riyaz,
(in both the CRL.OPs) Additional Public Prosecutor

C O M M O N O R D E R

CRL.OP.No.32631 of 2019 has been filed by one Manoharan @ Manavalan directing the second respondent to file a final report in Cr.No.128 of 2015 as early as possible. The same

Manoharan @ Manavalan filed CrI.OP.No.32634 of 2018 stating that based on the complaint given by the opposite party, a case was registered against him in Cr.No.127 of 2015 and in that case charge sheet was filed and the case is pending in S.C.No.148 of 2018 on the file of the I Additional District and Sessions Judge, Salem and that the learned I Additional District and Sessions Judge, Salem, shall be directed to dispose of the said case at early .

2. Since the case in Cr.No.127 of 2015 and the case in Cr.No.128 of 2015 are the cases in counter, the secosnd respondents should have filed final reports in both the cases simultaneously but they have filed charge sheet in one case i.e., in Cr.No.127 of 2015, but so far, final report not filed in Cr.No.128 of 2015. Hence, the secosnd respondent is directed to file a final report in Cr.No.128 of 2015 (CrI.OP.No.32631 of 2019) also within a period of one month from the date of receipt of a copy of this order.

3. Since the case in S.C.No.148 of 2018 is already pending for trial and in the counter case, so far final report not filed, it is not proper for giving any direction to the trial court to dispose of one case alone. Hence, this court is not inclined to allow the CRL.OP.No.32634 of 2019 at present.

4. In the result, CRL.OP.No.32631 of 2018 is allowed. The second respondent is directed to file final report in Cr.No.128 of 2015 within a period of one month from the date of receipt of a copy of this order. CRL.OP.No.32634 is dismissed with liberty to file a fresh petition, if necessary after filing final report in Cr.No.128 of 2015.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Salem District,
Salem.

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

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3.The Public Prosecutor,
High Court, Madras.

+2cc to M/s.M.Rajendiran, Advocate sr.102811, 102810

CRL.O.P.Nos.32631 and
32634 of 2019

nr 12/12/2019



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