



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE N. SESHASAYEE

CrI.O.P.[MD]No.1907 of 2019

WEB COPY

Somasundaram

: Petitioner

Vs.

1.The Commissioner of Police,
Tirunelveli City.

2.The Assistant Commissioner of Police,
Law and Order, Palayamkottai,
Tirunelveli City.

3.The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City.

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the Inspector of Police, Perumalpuram Police Station, Tirunelveli City to cause re-investigation in a fair and effective manner in the case in crime No.619 of 2019 pending on his file and further direct him to file the final report after such re-investigation within the time stipulation as prescribed by this Court.

For Petitioner : Mr.R.Anand

For Respondents : Mr.V.Neelakandan

Additional Public Prosecutor

ORDER

The present petition has been filed to direct third respondent to cause re-investigation in a fair and effective manner in the case in crime No.619 of 2019 and to file the final report.

2. The allegation in the FIR, registered pursuant to the complaint preferred by the petitioner herein, is that on the date of occurrence the petitioner was abducted by the accused persons, taken to the hotel and was beaten up. The case was investigated and the action was dropped by the third respondent.

3. One of the arguments made by the learned counsel for the petitioner is that of the most credible evidence is CCTV footage and also the statement of the Manager of the Hotel. These facts can easily tilt the balance against the accused but that precisely on the evidence, which the Investigating Officer is not appeared to have collected before deciding to drop action in the Investigating the case in Crime No.619 of 2017.



4. Heard the learned Additional Public Prosecutor for the respondents.

5. In spite of a specific allegation that the CCTV footage in the concerned lodge would disclose the occurrence, the status report is partly silent on this aspect. *Prima facie*, this Court is not happy with the hurried closure report on the matter, when the CCTV footage could have made a difference to the course of investigation.

6. This Court therefore, sets aside the proceedings by which the action is dropped by the third respondent and directs to reopen the case for further continued investigation. Further, the investigation shall be done by the Assistant Commissioner of Police, Palayamkottai, Tirunelveli City / second respondent and the first respondent is required to monitor the course of investigation. The Investigating Officer now constituted under this order is directed to take the investigation to its logical end and lay the final report as expeditiously as possible, but not later than six months from today (i.e., 27.03.2019).

7. With the above direction, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (Crl.side)

/ True Copy /

Sub Assistant Registrar (CS)

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To

1. The Commissioner of Police,
Tirunelveli City.

2. The Assistant Commissioner of Police,
Law and Order, Palayamkottai,
Tirunelveli City.

3. The Inspector of Police,
Perumalpuram Police Station, Tirunelveli City.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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