



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2019

CORAM

THE HONOURABLE MR. JUSTICE **N. SESHASAYEE**

Crl.O.P. (MD) No.2590 of 2019

M.Selvaraj ... Petitioner/Defacto Complainant
Vs.

The State,
Rep.by the Inspector of Police,
Manachanallur Police Station,
In Crime No.281 of 2011
Trichy District.

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to file Charge Sheet/final report in Crime No.281 of 2011 as expeditiously as possible.

For Petitioner : Mr.M.Dinesh Hari Sudarsan
For Respondent : Mr.V.Neelakandan
Additional Public Prosecutor

O R D E R

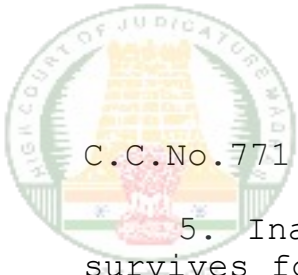
This Criminal Original Petition has been filed to direct the respondent to file Charge Sheet/final report in Crime No.281 of 2011 as expeditiously as possible.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl.side) appearing for the respondent.

3.When the case came up before this Court on 20.02.2019, this Court was informed that the charge sheet was laid as early as on 15.07.2012 but the court has not taken the same on file. This Court therefore required both the Judicial Magistrate No.III, Trichy, to offer his remarks and the same is now reached this Court through the learned Principal District Judge, Trichirappalli.

4. In his report, the learned Magistrate has made a candid statement that on 15.07.2012 was a Sunday and no final report has been filed till 18.03.2019.

5. Be that as it may, the learned Additional Public Prosecutor submitted that final report has since been filed on 20.03.2019 and the case itself is taken on file on 23.03.2019 and now pending in



C.C.No.771 of 2019. The said statement is recorded.

5. Inasmuch as the final report has already been laid, nothing survives for adjudication in this petition.

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6. However, inasmuch as the Investigating Agency has given a wrong instruction to the learned Additional Public Prosecutor that final report has been laid way back in 2012, which this Court may have to record, rather irresponsibly, this Court consider it necessary to direct the concerned Investigating Agency to pay a cost of Rs.2000/- (Rupees two thousand only) which is now directed to be paid to Siddha HospitalA/c No.

7. This Court only expects that the Investigating Agency, while instructing the Law Officer to make a statement on behalf of the prosecution to the court, required to have more diligent and responsibility. It is also recorded that this Court is constrained to resort to impose cost on the investigating agency because these instances, as this, have not become recurrent.

Sd/-

Assistant Registrar (Crl.side)

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Sub Assistant Registrar (CS)

CM

To

1. The Inspector of Police, Manachanallur Police Station, Trichy District.

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

+1 CC to M/s.M.DINESH HARI SUDARSAN, Advocate (SR-57618[F] dated 29/03/2019)

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DS/ /SAR- (22.04.2019) 2P 4C