



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE:20.03.2019

CORAM

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

Crl.O.P.(MD)No.3778 of 2019

... Petitioner/Defacto Complainant

Arokiyadas

Vs.

The State,
Represented by the Inspector of Police,
Samayanallur Police Station,
Madurai District.
(Crime No.351 of 2011) ... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to expedite the investigation in Crime No.351 of 2011 dated 02.10.2011 and to file the Final Report.

For Petitioner :Mr.S.Mahendrapathy
For Respondent :Mr.V.Neelakandan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition is filed seeking a direction to the respondent police to expedite the investigation in Crime No.351 of 2011 for offences under Sections 277 and 337 IPC.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3.The learned Additional Public Prosecutor appearing for the respondent submitted that investigation was substantially completed and the final report was laid on 28.03.2018 and the learned Magistrate has closed the First Information Report as time barred under Section 468 Cr.P.C.

4. In all cases, where bar of limitation may intervene under Section 468 Cr.P.C, the Investigating Agency can always seek condonation of delay in filing the final report. It is not known whether the learned Magistrate has follow this aspect of law. This is now created piquant situation, where the defacto complainant complains that justice has not been done in case for no fault of his. The proper course could have been that the investigating agency should lay the final report and the accused should be heard on the reason for condonation of delay.

5. Accordingly, this court directs the investigating officer to lay the final report within a period of two weeks from today along



with necessary application for condoning delay under Section 473 Cr.P.C, whereupon the trial court shall hear both the defacto complainant and the accused and decide whether to take cognizance of the offence based on the final report.

6. In the result, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To
The Inspector of Police,
Samayanallur Police Station,
Madurai District.

+1cc to Mr.S.Mahendrapathy, Advocate, SR.No.56112

order made in
Crl.O.P.(MD)No.3778 of 2019
20.03.2019

SP/01.04.2019/ 2P/3C