



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Original Jurisdiction)

Monday, the Twenty Ninth day of April Two Thousand and Nineteen

CORAM:

WEB COPY

The Hon'ble Mr. Justice B. PUGALENDHI

CRL MP(MD).No.11223 of 2017

in

CRL OP(MD).No.19053 of 2016

K.Ayyamperumal

... Petitioner / Petitioner

- Vs. -

1. The State of Tamil Nadu,
Rep.by The Assistant Commissioner Of Police,
Contonment, Trichy District.

2. The Inspector of Police,
Sessions Court Police Station,
Trichy District.

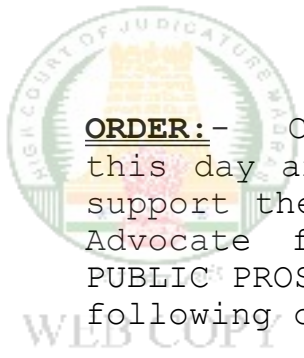
... Respondents

Prayer in CRL MP(MD).No.11223 of 2017 :

Criminal Miscellaneous Petition is filed under section 482 of Criminal Procedure Code praying this Hon'ble Court to recall the order dated 04.10.2016 made in Crl.O.P.(MD)No.19053 of 2016.

Prayer in CRL OP(MD). 19053 of 2016 :

Criminal Original Petition is filed under section 482 of Criminal Procedure Code praying this Hon'ble Court to pass appropriate order directing the respondents to investigate the case in Crime No.143 of 2014 and file the final resport expeditiously.



ORDER:- Criminal Miscellaneous Petition coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.C.K.M.APPAJI, Advocate for the Petitioner and of Mr.R.ANANDHARAJ, ADDITIONAL PUBLIC PROSECUTOR, on behalf of the respondents, this Court made the following order:-

The Criminal Original Petition in Crl.O.P.(MD).No.19053 of 2016 has been dismissed on 04.10.2016, based on the representation made on behalf of the respondent police that the final report has already been filed before the concerned Judicial Magistrate Court. Liberty was also granted to the petitioner to file protest petition before the concerned Magistrate.

2.The petitioner in Crl.O.P.(MD).No.19053 of 2016 has filed this miscellaneous petition to recall the earlier order, dated 04.10.2016, in which, on 12.04.2019, this Court directed the Inspector of Police, who reported before this Court on 04.10.2016, should file an affidavit on the representation made by him, before this Court.

3.Pursuant to the order dated 12.04.2019, the concerned Inspector of Police, who reported before the Court in Crl.O.P.(MD).No.19053 of 2016, has filed an affidavit before this Court on 22.04.2019.

4.Since this Court is not satisfied with the affidavit filed by the Inspector of Police, by order of this Court dated 22.04.2019, the Assistant Commissioner of Police / first respondent was directed to file an affidavit explaining the details of the investigation and why the copy of final report has not been served upon the complainant and forwarded to the concerned Court.

5.Pursuant to the order, dated 22.04.2019 of this Court, the first respondent / Mr.V.P.Ganesan, the then Investigating Officer in Crime No.143/2014 has filed an affidavit. Since he has been transferred subsequently, the follow up has not been done by the followers. Hence, the final report has not been filed before the concerned Court. The learned Additional Public Prosecutor has also stated that he has instructed the present officer to file the final report before the concerned Judicial Magistrate within a period of two weeks. In this regard, he has also produced a letter of undertaking written by the Assistant Commissioner of Police, Cantonment Range (L & O), Trichy City.

6.If the final report is filed, the petitioner is also served with a copy of the final report. In the event of filing of the same, the petitioner shall file the protest petition and if any such protest petition is filed the learned Magistrate shall consider and pass orders in accordance with law.



7. Accordingly, this criminal miscellaneous petition is disposed of.

WEB COPY

Sd/-

Assistant Registrar (CS-III)

/ True Copy /

Sub Assistant Registrar (CS-)

TO

1. The Assistant Commissioner Of Police,
Contonment, Trichy District.
2. The Inspector of Police,
Sessions Court Police Station,
Trichy District.

Copy to:

The Section Officer, Judicial Section,
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.C.K.M.APPAJI, Advocate, SR.No.64207

ORDER DATED : 29.04.2019

ORDER

CRL MP (MD) .No.11223 of 2017
in
CRL OP (MD) .No.19053 of 2016

ES/28.06.2019/3P/5C