

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.08.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16592 of 2016
and Crl.MP.No.8040 of 2016

P.Thirumuruga Veera Pandiyan
S/o.Ponraman

... Petitioner

Vs.

1.The Additional Director General of Police,
CB-CID, Panthian Salai,
Egmore, Chennai -8.

2.The Superintendent of Police,
Salem District.

3.The Inspector of Police,
Asthampatti Police Station,
Salem District.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of Criminal Procedure Code to consider the petitioner's representation dated 27.06.2016 and to direct the 3rd respondent to hand over the file regarding FIR No.233/2016 to the 1st respondent and consequently, to direct the 1st respondent to conduct proper investigation and to file charge sheet within a particular period.

For Petitioner : Mr.P.Vijendran

For Respondents : Mr.C.Iyyappa Raj
Additional Public Prosecutor

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O R D E R

This petition has been filed seeking direction to transfer the investigation in FIR No.233 of 2016 from the file of the third respondent to any other agency, on the ground of Police Standing Order 486(18) since the occurrence of political nature involving Arms and Explosives.

2. The learned counsel for the petitioner submitted that due to the political motive, the explosive substances were implanted in the car of the petitioner and it did not

explode, while he was travelling in the car. However, when the car was sent for service, at that place only the explosive substances was found. Hence, considering the seriousness of the offence, the petitioner has filed this petition.

3. The learned Additional Public Prosecutor for the respondents, on instructions, submitted that a case in F.I.R.No.233 of 2016 was registered for the offence under Sections 4(A) Explosives Substances Act, Section 307 IPC and 9 (b) (i) (b) of Explosive Act. After completion of investigation charge sheet was filed before the learned Judicial Magistrate No.III, Salem on 16.01.2019. Thereafter, the charge sheet was returned by the learned Magistrate, for want of original forensic report. He further submitted that the third respondent has resubmitted the charge sheet, however, the Court can seek original order from the Forensic Department, considering the prevailing situation.

4.Considering the above submissions, this Court directs the Judicial Magistrate No.III, Salem to get the forensic report from the Department directly, with the available copy of the report, take the charge sheet on file and to complete the trial within a period of six months, after lifting the lock down and commencement of normal functioning of the Court.

5. With the above direction, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ms

To

1.The Judicial Magistrate No.III,
Salem.

2.The Public Prosecutor,
High Court, Madras.

3.The Additional Director General of Police,
CB-CID, Panthian Salai,
Egmore, Chennai -8.

4.The Superintendent of Police,
Salem District.

5.The Inspector of Police,
Asthampatti Police Station,
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SSV(CO)
CB(13/10/2020)



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