

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.21757 of 2016
and
Crl.M.P.No.10075 of 2016

Banumathi

... Petitioner

Vs.

1.State Represented by
The Inspector of Police,
North Zone, Alandur,
Chennai.

2.The Superintendent of Police,
Vellore District,
Vellore.

3.The Inspector of Police,
Banavaram Police Station,
Vellore District.
(Crime No.187 of 2016)

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to transfer the investigation in Crime No.187 of 2016 dated 04.08.2016 pending on the file of the 3rd respondent police to any other competent agency or any other competent police officers.

For Petitioner : Mr. S. Shankar

O R D E R

This petition is filed seeking to transfer the investigation in Crime No.187 of 2016 dated 04.08.2016 pending on the file of the third respondent police to any other competent agency.

2. The learned Additional Public Prosecutor submits that in this case investigation completed and charge sheet filed in S.C.No.158 of 2018 which is pending trial before the Additional Sessions Court, Ranipet. It is further submitted that though in the FIR, three persons were named as accused while filing the

charge sheet, two persons names in the charge sheet has been deleted pursuant to that 109 IPC has been deleted. Now the charge sheet is pending against only one accused and the next date of hearing is on 14.08.2020. To a specific query, the Additional Public Prosecutor submitted that from the year 2018, the case is at initial stage itself. After framing of charges on 02.11.2018, there has not been any progress in this case.

3. The learned counsel for the petitioner submits that the petitioner is not aware of the pendency of the case and she was not even informed and no attempt was made by the respondent police to serve any summons or informed about dropping or deleting two persons names and consequently, the dropping of Section 109 IPC. Hence, she was not given opportunity to file protest petition. Further it is submitted that the next hearing date is on 14.08.2020 and in all probability, on that day, no progress will be made since it would be lock down period.

4. Hence, the learned Sessions Judge, is directed to send summons to the defacto complainant through the respondent police. On appearance of the defacto complainant, inform her about the rights available to her in filing protest petition with regard to deletion of two accused names and dropping of the Section and thereafter, to proceed according to law giving reasonable and fair opportunity to the defacto complainant. Further, the Additional Sessions Judge is reminded that the Sessions case is pending from the year 2018 without any progress, which is not proper. Hence, learned Sessions Judge to inform this Court about the progress made in this case in this regard after lifting of the lock down.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AT

To

1.The Inspector General of Police,
North Zone, Alandur,
Chennai.

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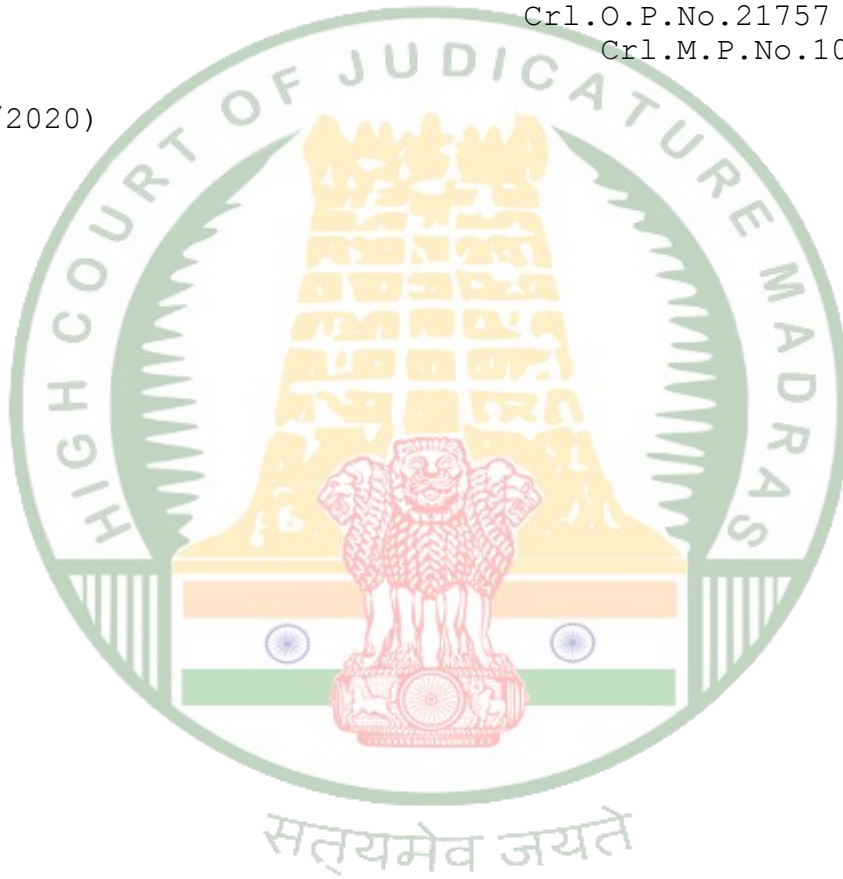
2.The Superintendent of Police,
Vellore District,
Vellore.

3.The Inspector of Police,
Banavaram Police Station,
Vellore District.

4.The Additional Sessions Court,
Ranipet.

Crl.O.P.No.21757 of 2016 and
Crl.M.P.No.10075 of 2016

LN(CO)
RMP(07/10/2020)



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