

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2020

CORAM:

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.O.P.No.7521 of 2020

Kalayana Sundaram M/A 58

S/o Late.Mr. Thirumeni

...Petitioner

Vs.

1. State Represented by

The Inspector of Police,
E3 Teynampet Police Station,
Chennai. (Cr.No.119 of 2020)

2. The Deputy Commissioner of Police

1st Floor, R1 Mambalam Police Station
Madley Road, T.Nagar,
Chennai 600017.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondents to expedite the investigation in Crime Number 119/2020 pending on the file of the Inspector Police, Teynampet Police Station, Chennai, the first respondent herein, for offences under Sections 3(1)(u) and (v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and to file the final report as expeditiously as possible as stipulated under Rule 7 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Rules, 1995

For Petitioner : Mr. A. Ramesh
Senior Counsel for
Mr.G.R.Hari

For Respondents : Mr.A. Natarajan
Public Prosecutor
Assisted by
Mrs. Kiruthiga Kamal
Government Advocate(Crl.side)

ORDER

This Petition has been filed seeking direction to the Police to expedite the investigation in Crime Number 119/2020 pending on the file of the Inspector Police, Teynampet Police Station, Chennai, the first respondent herein, for offences under Sections 3(1)(u) and (v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and to file the final report as expeditiously as possible as stipulated under Rule 7 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Rules,1995.

2. Learned Senior Counsel appearing for the Petitioner submitted that though the crime has been registered on 15.2.2020 for the offence under section 3(1)(u) and (v) of the Scheduled Caste and Scheduled Tribes

(Prevention of Atrocities) Act, 1989, the allegations made against the accused are very serious in nature not only touching upon the opposite community but also the judiciary and High Court. In such a view of the matter if the investigation is not completed within 30 days as contemplated under Sub Clause 2 of Section 7 of the Act, the same may lead the accused to take advantage at a later point of time. Hence, sought direction to expedite the investigation and file final report.

3. Learned Public Prosecutor submitted that the crime has been registered on 15.02.2020 and the investigation is in progress. He further submitted that in view of the pandemic situation, final report could not be filed. However, submitted that the prosecution will file a final report within a reasonable time.

4. Having regard to the fact that the crime has already been registered and investigation is in progress and taking into consideration of the fact that the entire country is in lock down and the entire police

machinery and officials are engaged to control the pandemic, the investigation could not be completed in time. In such a view of the matter, the delay due to the situation prevailing in the country cannot be a ground to non-suit the entire prosecution. Such delay, if any is happened due to unforeseen circumstance, the same cannot be taken advantage by the accused at a later point of time.

5. With the above observation, this Court is directed to the investigating officer to complete investigation and file a charge sheet within thirty days from today.

6. In view of the above direction, the Criminal Original Petition is ordered.

Index : Yes/No
Internet : Yes/No
ggs

N. SATHISH KUMAR,J.

Ggs

To

1. The Inspector of Police,
E3 Teynampet Police Station,
Chennai. (Cr.No.119 of 2020)
2. The Deputy Commissioner of Police
1st Floor, R1 Mambalam Police Station
Madley Road, T.Nagar,
Chennai 600017.
3. The Public Prosecutor,
High Court, Madras.



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