

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2021

CORAM

THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.17041 of 2020

Jose Paul Therattil,
S/o.Stansilaus.

... Petitioner.

Vs.

State Rep. By
The Inspector of Police,
The CrimeBranch Criminal Investigation
Department,
(CBCID) Nilgiris Unit,
The Nilgiris District.

...Respondent.

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order dated 10.02.2020 passed in Crl.M.P.No.813 of 2018 in S.C.No.45 of 2004 on the file of Sessions Judge of Magalir Neethimandram (FTMC), Udhagamandalam at Nilgiris as erroneous, illegal, not maintainable, without jurisdiction and not in accordance with law.

For Petitioner : Mr.K.V.Sridharan

For Respondents: Mr.C.Raghavan
Government Advocate (Crl.side)

O R D E R

This petition has been filed challenging the order passed by the Court below ordering for further investigation in exercise of its jurisdiction under Section 173(8) Cr.P.C.

2.The learned counsel for the petitioner submitted that pursuant to the orders passed by the Court below, further investigation has also been completed and an additional final report had been filed before the Court below. The learned counsel further submitted that the petitioner will face the proceedings on iis own merits and the Court below should be directed to furnish the copies of the additional final report along with the materials relied upon and sufficient opportunity should be given to the petitioner to face the charges.

3.The learned Government Advocate appearing on behalf of the respondent submitted that nothing survives in this petition since further investigation has been completed and an additional report has also been filed before the Court.

4.Taking into consideration the subsequent development that has taken place in this case, no further orders can be passed in this petition except giving a direction to the Court below to furnish the additional report and the materials relied upon to the petitioner in order to enable the petitioner to contest the case on merits and the Court below shall afford opportunity to the petitioner to face the charges.

5. The Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Sessions Judge of Magalir Neethimandram(F.T.M.C.)
Udhagamandalam.

2.The Inspector of Police,
The CrimeBranch Criminal Investigation
Department,
(CBCID) Nilgiris Unit,
The Nilgiris District.

2.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.K.V.Sridharan, Advocate Sr.No. 845

PM(CO)
RMP(29/01/2021)

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