

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P. No.7182 of 2021

K.Anandavel

... Petitioner

Versus

1.The Superintendent of Police,
Kancheepuram District,
Kancheepuram.

2.State rep.by
The Inspector of Police,
B-3, Kanchi Taluk Police Station,
Kancheepuram.

...Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct respondents to effect the change of the investigating agency and to entrust the same to the Officer not below the rank of Police for the investigation in Crime No.860 of 2018 on the file of the B-3, Kanchi Taluk Police Station, Kancheepuram.

For Petitioner : Mr.S.Jayakumar

For Respondents: Mr. M.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

The petitioner is seeking transfer of investigation in Crime No. 860 of 2018 on the file of the second respondent police to some other investigating agency for the reason that the second respondent/police has not taken conducted effective investigation in Crime No.860 of 2018 which was registered on the basis of the complaint made by the petitioner.

2.The learned Government Advocate (Crl.side) appearing for the respondents/police submitted that in this case, investigation has been completed and charge sheet has also been filed. Further, he submitted that the case has been taken on file in PRC.No.12 of 2019 and the same is pending before the learned Judicial Magistrate No.II, Kanchipuram. Now the case is posted on 13.05.2021 for hearing. He further submitted that the respondents/police have also taken effective steps and served summons to the accused in this case as well.

3.The learned counsel for the petitioner submitted that the case was registered in the year 2018, but the investigation was completed only in the year 2019. Now, in the year 2021, the case is at the initial stage in which trial is yet to be committed.

4.In view of the submissions made by the learned counsel for the petitioner, this Court directs the learned Judicial Magistrate No.II, Kanchipuram to take expeditious steps to issue summons to the accused in the case and to proceed further in accordance with law. If it is found that the accused are evading summons the guidelines laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560 shall be followed by the trial court.

5.With the above direction, this Criminal Original Petition is disposed of.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

klr
To

1.The Judicial Magistrate No.II
Kanchipuram.

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

3.The Inspector of Police,
B-3, Kanchi Taluk Police Station,
Kancheepuram.

4.The Public Prosecutor,
High Court, Madras.

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UM(CO)
SP(24/06/2021)