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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2021

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.11463 of 2021

S.Emilin Eniya

...Petitioner

Vs.

State: The Inspector of Police,
All Women Police Station,
Thirumangalam,
Anna Nagar,
Chennai.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to file a final report within the stipulated time in Crime No.16 of 2020.

For Petitioner : Mr.S.Haja Mohideen Gisthi

For Respondent : Mr.A.Damodaran
Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition is filed to direct the respondent to file a final report within the stipulated time in Crime No.16 of 2020.

2.On perusal of the materials it is seen that on 16.07.2021, this Court passed an order and the relevant portions are extracted as under:

"5.On the submissions and materials, this Court finds force in the submission of the learned counsel for the petitioner. Hence, this Court is of the opinion that the learned Chief Metropolitan Magistrate, Egmore, Chennai has got no authority to transfer the charge sheet to the another Magistrate namely learned Judicial Magistrate, Ambattur.

6.The Registrar (Judicial), High Court, Madras to enquire and find out why such order has been passed by the learned Chief Judicial



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Magistrate, Egmore Chennai on 26.04.2021 and filed a report by 21.07.2021.

7. In the meantime, the learned Judicial Magistrate Ambattur to produce the FIR in Crime No.16 of 2020 and connected records running to pages No.1 to 290, which was received by the Head Clerk, Judicial Magistrate Court, Ambattur on 30.04.2021 to the Registrar (Judicial), High Court, Madras for verification."

3. In continuation of the above said order passed by this Court dated 16.07.2021, a report has been received from the Judicial Magistrate, Ambattur informing that the case bundle has been now returned back to the Chief Metropolitan Magistrate, Egmore, Chennai through a Special Messenger vide D.No.1131/2021, dated 23.06.2021.

4. Further, it is seen that already investigation in this case investigation completed and charge sheet in Crime No.16 of 2020 for the offence under Sections 498 (A), 406 and 420 IPC and Sections 4 and 6 of the Dowry Prohibition Act made ready on 22.03.2021 and the same is now available in the Chief Metropolitan Magistrate Court, Egmore, Chennai. Since, the Chief Metropolitan Magistrate Court, Egmore, Chennai is the designated Court and the charge sheet is to be taken on file and summons to be issued to the concern parties.

5. The learned counsel appearing for the petitioner submitted that the apprehension of the petitioner is that A1 the estranged husband of the petitioner, who is settled in Australia and look out notice already issued. Till now no steps taken to secure him and bring him back to India and produce him before the Jurisdiction Court.

6. In view of the above, this Court directs the trial Court to take effective steps and coercive action to secure A1 in this case.

7. With the above directions, this Writ Petition stands disposed of.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Metropolitan Magistrate,
Egmore,
Chennai.

2. The Inspector of Police,
All Women Police Station,
Thirumangalam,
Anna Nagar,
Chennai.

3. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.11463 of 2021

GPL (CO)
RGA (02/09/2021)