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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2021

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.20545 of 2021

Jayaraman

... Petitioner / Accused No.1

Vs.

The State rep. by,
The Inspector of Police,
Prohibition Enforcement Wing,
Ariyalur,
Ariyalur District.
(Crime No.409 of 2018).

... Respondent / Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondent Police to complete the investigation and to file final report in the case in Crime No.409 of 2018 on the file of the respondent Police.

For Petitioner : Mr.G.Pugazhenth

For Respondent : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

This Court, by order, dated 24.11.2021, directed the learned Judicial Magistrate No.II, Jayankondam, to file a report for what reason charge sheet not taken on file in Crime No.409 of 2018 and the order is extracted hereunder:-

"This petition has been filed to direct the respondent police to complete the investigation and to file final report in the case in Crime No. 409 of 2018 on the file of the Respondent police within a period as stipulated by this Hon'ble Court.

2.The petitioner is A1 in Crime No.409 of 2018 for offence under Section 4(1)(a), 4(1-A) Tamil Nadu Prohibition Act, 328 IPC has filed this petition



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stating that as though the FIR has been registered on 04.03.2018, till date, final report is yet to be filed. Due to the pendency of the above said case, the petitioner is unable to know about the fate of his vehicle. Hence the petitioner is put to untold misery.

3.The learned Additional Public Prosecutor submits that the case was registered on 04.03.2018, within a period of two months investigation of the above said case was completed. Thereafter on 10.05.2018, charge sheet has been filed before the Judicial Magistrate Court No.II, Jayamkondam. The section has been altered and now the petitioners are facing prosecution under Section 4(1)(a) of Tamil Nadu Prohibition Act and the case is yet to be taken on file. He further informed that charge sheet would be taken up today. Finding that as though charge sheet had been filed in the year 2018 and for the past three years it has not been taken on file.

4.In view of the same, this Court directs the learned Judicial Magistrate No.II, Jayamkondam, to report for what reason charge sheet has not been taken on file, on or before 02.12.2021. Registry is directed to communicate a copy of this Order to the learned Judicial Magistrate No.II, Jayamkondam."

2.In continuation and conjunction to the above order, dated 24.11.2021, this Court is passing the following order.

3.The report of the learned Judicial Magistrate No.II, Jayamkondam, dated 25.11.2021 is received and the relevant portion of the report is extracted below:-

No charge sheet has been filed before this Court on 10.05.2015. Only on 24.11.2021, charge sheet has been filed along with the petition under Section 473 of Cr.P.C., and the same was taken on file by assigning as Crmp.No.3063/2021, dated 24.11.2021 and also ordered to notice to Assistant Public Prosecutor Gr.II, accused 1 to 3 and hearing date is fixed on 07.12.2021. Notice also issued to above said parties on 25.11.2021.

4.From the report of the learned Judicial Magistrate No.II, Jayamkondam, it is seen that after completion of investigation, charge sheet was filed before the learned Judicial Magistrate No.II, Jayamkondam on 24.11.2021 along with petition under Section 473 Cr.P.C., and the same was also taken on file



Crl.M.P.No.3063 of 2021. Hence, the prayer sought for by the learned counsel for the petitioner becomes infructuous.

5.In view of the above, nothing survives in this Criminal Original Petition and the same is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Prohibition Enforcement Wing,
Ariyalur,
Ariyalur District.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.G.Pugazhenthii, Advocate, S.R.No.63086

Crl.O.P.No.20545 of 2021

RR[co]
NSK 27/12/2021