



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.21840 OF 2021

Annadurai

..Petitioner/Defacto Complainant

Versus

1. The Deputy Superintendent
of Police (Town)
Tiruvannamalai.
2. The Inspector of Police,
Kilpennathur Police Station,
Tiruvannamalai District,
Crime No.172 of 2021

... Respondents/Complainants

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the 1st respondent to complete the investigation of the case in Crime No.172 of 2021 pending on the file of the 2nd respondent police and to file charge sheet in terms of Schedule Caste and Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015 against the accused persons.

For Petitioner : Mr.P.Kannan Kumar

For Respondents : Mr.R.Vinothraja
Government Advocate
(Crl. Side)

O R D E R

This petition has been filed to direct the 1st respondent to complete the investigation of the case in Crime No.172 of 2021 pending on the file of the 2nd respondent police and to file charge sheet in terms of Schedule Caste and Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015 against the accused persons.



2. The petitioner/de-facto complainant on whose complaint a case in Crime No.172 of 2021 for offence punishable under Sections 294 (b), 352, 418 IPC and Section 3 (1)(r) and 3 (1)(s) of S.C./S.T. Act, 2015 came to be registered on 13.05.2021. Though F.I.R came to be registered as early as on 13.05.2021, there is no substantial progress in investigation. Hence, this petition.

3. The contention of the learned counsel appearing for the petitioner is that as per Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, notified in the Government of India Gazette, dated 01.01.2016, the amendment for Section 4 of Principal Act 4 (2)(e) mandates that the investigating officer shall file charge sheet in the Special Court or the Exclusive Special Court within a period of 60 days and to explain the delay, if any in writing, but in this case, no charge sheet is filed even after filing of F.I.R., as early as in the month of May 2021.

4. The learned Government Advocate (Crl.side) submitted that totally there are ten accused in this case and the substantial portion of investigation has been completed and the community certificate with respect to three of the accused have been obtained and the respondents are taking steps to get the community certificate of seven other accused. He further submitted that since accused are from various Districts, it is taking time and that is the reason for non filing of F.I.R. and once the community certificate is obtained, charge sheet will be filed within a period of two months thereafter.

5. Recording the submission made by the learned Government Advocate (Crl.side), the first respondent is directed to complete investigation and file final report within a period of two months after securing the community certificate of seven accused.

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

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Superintendent
of Police (Town)
Tiruvannamalai.

2. The Inspector of Police,
Kilpennathur Police Station,
Tiruvannamalai District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.Kannan Kumar, Advocate, S.R.No.61838

CrI.O.P.No.21840 of 2021

CA(CO)
RLP(29/12/2021)