



Crl.O.P.(MD) No.18202 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2022

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.18202 of 2022

Marimuthu

...Petitioner / Defacto Complainant

VS

1.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.

2.The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
(Crime No.360 of 2020)

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the second Respondent herein to file a Final Report in connection with the case registered in Crime No.360 of 2020 on his file before the concerned Court within the time stipulated by this Court.

For Petitioner : Mr. V.Malaiyendran

For Respondents : Mr. R.Suresh Kumar,
Government Advocate(Crl.Side)



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ORDER

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This Criminal Original Petition has been filed to direct the second Respondent herein to file a Final Report in connection with the case registered in Crime No.360 of 2020 on his file before the concerned Court within the time stipulated by this Court.

2. When the case came up for hearing on 14.11.2022, the learned Additional Public Prosecutor submits that in Crime No.359 of 2020, investigation has been proceeded and examined nine witnesses. At that stage, this Court had sought details with regard to the Petitioner's complaint in Crime No.360 of 2022. At that time, the learned Government Advocate (Crl. Side) was unable to answer the query put to him by this Court and he sought CD file regarding Crime Nos.359 and 360 of 2020 from the Sub-Inspector of Police, Sayalkudi, who was available before this Court. Therefore, the Sub-Inspector of Police, Sayalkudi, was directed to produce CD file in both the case and counter case and the case was adjourned to 15.11.2022.



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3. Today, when the case came up for hearing, the Sub Inspector of Police, Sayalkudi Police Station, Ramanathapuram District was present along with both the CD file. On verification, it is found that in Crime No. 359 of 2022, the Superintendent of Police, Ramanathapuram District is directed to nominate the Deputy Superintendent of Police, Ramanathapuram to supervise the investigation in both the cases in Crime Nos. 359 and 360 of 2020. So that the investigation is carried out fairly and impartially. When the Final Report is before the some other Court, it is for the Court to decide who is the aggressor and who is the victim. The case was taken place on 2020, till date, the investigation had not been completed.

4. The learned Government Advocate (Crl. Side) seeks further two months time to obtain the wound certificate.

5. The submission of the learned Government Advocate (Crl. Side) is cannot be accepted.



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6. Considering the fact that in both the cases, Section 307 of IPC had been invoked. Therefore, the Superintendent of Police, Ramanathapuram District is directed to nominate a senior Police Officer, not below the rank of the Deputy Superintendent of Police to supervise the investigation conducted by the Inspector of Police, Sayalkudi if found lagging.

7. Investigation in Crime Nos.359 and 360 of 2020 on the file of the Inspector of Police, Sayalkudi may be withdrawn and handed over to the officer, who is nominated by the Superintendent of Police, Ramanathapuram District, shall be fair and impartial to complete the investigation within two months.

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

15.11.2022

Index: Yes/no
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Office of the Superintendent of Police,
Ramanathapuram District.
- 2.The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
- 3.The Government Advocate (Crl. Side),
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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