



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.01.2022
CORAM
THE HONOURABLE MR.JUSTICE **K.MURALI SHANKAR**

WEB COPY

CRL.O.P.(MD).No.19658 of 2019
and
CRL.M.P(MD)No.220 of 2020

Iswariya : Petitioner/ Defacto complainant
Vs.

1.The Commissioner of Police,
Tirunelveli District,
Tirunelveli.

2.The Assistant Commissioner of Police,
Palayamkottai Law and Order Range,
Palayamkottai, Tirunelveli City.

3.The Inspector of Police,
Medical College Police Station,
Tirunelveli City.
Crime No67 of 2019.

4.U.Jency

5.The CB CID,
Rep. by the Superintendent of Police,
Chennai. : Respondents / Complainants

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the first respondent to withdraw the investigation pending on the file of the second respondent in connection with Crime No.67 of 2019 registered on the file of the third respondent and entrust the same to the competent officer of the 5th respondent in the rank of Deputy Superintendent of Police by taking into account his past experience, sense of ability and justice to perceive the implications of the case as mandated under Rule 7(1) of SC/ST (POA) Rules, 1995 and to issue orders for completion of investigation within the shortest possible time frame that may be fixed by this Court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.M.Muthumanikkam,
Government Advocate (Criminal Side),
for R1 to R3 and R5.



ORDER

The Criminal Original Petition is filed seeking orders to direct the first respondent to withdraw the investigation pending on the file of the second respondent in connection with Crime No.67 of 2019 registered on the file of the third respondent and entrust the same to the competent Officer of the fifth respondent in the rank of Deputy Superintendent of Police and to complete the investigation within the time fixed by this Court.

2.When the matter is taken up for hearing today (06.01.2022), the learned Government Advocate (Criminal Side) would submit that the second respondent after completing the investigation, has laid the final report and that the same was taken on file in S.C.No.89 of 2020 for the alleged offence under Sections 417, 376, 506(ii) IPC and Section 3(1) (s), 3(1)(w) 2 of SC/ST (POA) Act and the same is pending on the file of the Additional District and Sessions Judge (PCR Act Cases), Tirunelveli. At this juncture, the learned counsel counsel for the petitioner would submit that it would suffice, if the trial Judge is directed to dispose of the case within the time to be stipulated by this Court.

3.Considering the fact that the case is pending from 2020 and in the absence of the pendency particulars of that particular Court, this Court is not inclined to give any direction to dispose of the case within the specified period of time. However, the learned trial Judge is directed to complete the trial and dispose of the case as expeditiously as possible.

4.With the above direction, the Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Additional District and Sessions Judge,
(PCR Act Cases), Tirunelveli.

2.The Commissioner of Police,
Tirunelveli District,
Tirunelveli.

3.The Assistant Commissioner of Police,
Palayamkottai Law and Order Range,
Palayamkottai, Tirunelveli City.

4.The Inspector of Police,
Medical College Police Station,
Tirunelveli City.

5.The Superintendent of Police,
the CB CID,
Chennai.

6.The Additional Public Prosecutore,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.RAHUL, Advocate (SR-863[F] dated 07/01/2022)

CRL.O.P.(MD).No.19658 of 2019 and
CRL.M.P(MD)No.220 of 2020
06.01.2022

RD(25.01.2022) 3P 8C