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Crl.O.P.No.23946 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 23.06.2023

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.23946 of 2022

and

Crl.M.P.No.15209 of 2022

Jothirathinam

... Petitioner

Versus

1.The Inspector of Police,
CBCID,
Salem District.

2.State by
The Inspector of Police,
Omalur Police Station,
Salem District.
(Crime No.1125/2020)

... Respondents

PRAYER : Criminal Original petition filed under Section 482 Cr.P.C. praying to transfer the investigation of the case in Crime No.1125 of 2020 on the file of 2nd respondent herein to the 1st respondent/CBCID police and to file a final report within time limit to be fixed by this Court.

For Petitioner : Mr.B.Gopalakrishnan

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

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This petition has been filed by the petitioner seeking to transfer the investigation of the case in Crime No.1125 of 2020 on the file of second respondent herein to the first respondent/CBCID police and to file a final report.

2. This Court, on 19.06.2023, had passed the following order:

“The contention of the petitioner is that on this complaint a case in Crime No.1125 of 2020 for the offence under Sections 341, 294(b), 323, 324 of IPC was registered and thereafter the petitioner is not aware about the stage of investigation. The petitioner earlier filed a petition in Crl.O.P.No.1342 of 2022 seeking direction to complete the investigation and to file a final report. This Court by order dated 25.01.2022 directed the respondent to complete the investigation within a period of two months from the date of receipt of a copy of the order. Thereafter the petitioner was served with RCS notice in RCS Notice No.30/2021. Challenging the same, the petitioner filed Crl.O.P.No.6305 of 2022. This Court by order dated 21.03.2022 directed the petitioner to file a protest petition before the learned Judicial Magistrate, Omalur. Following the directions of this Court, the petitioner filed a copy application on 11.08.2022 seeking for copy of the Referred Charge Sheet and the documents filed along with RCS.No.30/2021. This copy application was returned by the concerned Judicial Magistrate on 22.08.2022 with the endorsement “FIR, complaint is available, RCS not filed in Court. Hence returned.” Thereafter,



the petitioner filed the present petition since the petitioner is handicapped without copy of the Referred Charge Sheet and documents to challenge the same by way of a protest petition.

2.Learned Additional Public Prosecutor produced the acknowledgment of the petitioner showing RCS notice served and he seeks small accommodation to verify whether Referred Charge Sheet has been filed before the concerned Court, taken on file and what is the present status.

3.Learned counsel for the petitioner submits he is not questioning the service of RCS notice in RCS Notice No.30/2021 was challenged before this Court by the petitioner in Crl.O.P.No.6305 of 2022. He further submits that non-furnishing of Referred Charge Sheet is the question now he is agitating.

4.Post the matter on 23.06.2023 under the caption 'For Orders'."

3. In continuation and conjunction to the earlier order passed by this Court on 19.06.2023, today, learned Additional Public Prosecutor produced a report of the second respondent police showing that a notice dated 13.10.2022 attempted to be served to the petitioner and the petitioner refused to receive the notice and the same has been recorded and submitted to the Court on 08.11.2022.



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4. Learned counsel for the petitioner submits that his grievance is that the referred charge sheet along with statements and documents are not filed before the concerned Court.

5. Learned Additional Public Prosecutor submits that along with the referred charge sheet, requisite statements and materials have been filed before the learned Judicial Magistrate-I, Omalur and the petitioner can very well obtain the same from the Court. A copy of the final report listing 8 witnesses, notice and the petitioner's refusal copy have been produced. These documents are certified copies obtained from the Judicial Magistrate Court, Omalur in Copy Application No.224 of 2023.

6. In view of the above, the petitioner is directed to approach the learned Judicial Magistrate-I, Omalur, file appropriate petition and obtain the copies and file a protest petition, if so advised. The learned Judicial Magistrate ensure that the referred charge sheet along with the enclosures to be served to the petitioner without delay.



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With the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

23.06.2023

Index : Yes / No
Internet : Yes/No
Speaking / Non-speaking order
rsi

To

1.The Inspector of Police,
CBCID,
Salem District.

2.The Inspector of Police,
Omalur Police Station,
Salem District.

3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

rsi

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