



WEB COPY



Crl.O.P.No.13967 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2024

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.13967 of 2024

1. Thiru Sasant Kumar
2. Venkatesan Pattabi

...Petitioners

Vs.

1. The State of Tamilnadu rep by its
The Inspector of Police
Sholinghur Police Station
Ranipet District
(Cr.No.295/2022)

2. The State of Tamilnadu Rep by its
The Inspector of Police
CBCID Police
Vellore
(Cr.No.2/2023)

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order passed in Crl.MP.No.1791 of 2024 in Cr.No.295 of 2022 by the Judicial Magistrate No.III, Vellore on 10.04.2024.

For Petitioner : Mr.K.Venkateswaran

For Respondents : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)



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ORDER

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2. On considering the fact that the investigation has been transferred to CBCID, Vellore and also in connection with the missing boy, Habeas Corpus Petition is pending before the High Court for completion of investigation, the presence of the petitioners herein are necessary before the Investigation Officer, the court below has modified the condition to the effect that they should appear before the Inspector of Police, CBCID, Vellore, on every Saturday and Sunday at 10.00 a.m till disposal of the HCP. No.2396 of 2022 and Investigation Officer should report to the court about the compliance of the condition.

3. The petitioners are before this court to set aside the order of the Judicial Magistrate No.III, Vellore dated 10.04.2024 on the ground that the first petitioner is residing in Sholinghur and second petitioner is residing at Gudiyatham and though they are asked to report before



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CBCID, Vellore at Saturday and Sunday at 10.00 a.m., their routine work will be affected and the livelihood would be at stake. Since the Sholinghur police has already investigate the matter, substantiating the presence of the petitioners before the CBCID Inspector of Police for two days in a week, is not necessary.

4. Learned Government Advocate (Crl.Side), in turn, submitted that it is a case of boy missing and complaint is against the father and grandmother of the boy. The complainant is the mother of the missing boy. These two petitioners are cousins of A4, father of the missing boy - still absconding.

5. Considering the facts and circumstances of the case, this court is of the view that the petitioners herein have been cooperating with the investigation all along and their appearance before the Investigation Officer, twice in a week, not going to assist the investigation anyway unless and until the Investigation Officer is able to get any fresh clue regarding the missing boy. Therefore, it is suffice to ensure their presence, direction to appear before the Investigation Officer on first and third Sunday of every month at 10.30 a.m., Apart from that, if the



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Investigation Officer is of the view that their presence is required, they may be summoned at the time as and when required.

6. With this modification, this Criminal Original Petition is allowed.

14.06.2024

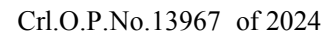
Index : Yes/No

Neutral Citation : Yes/No

gv

To

1. The State of Tamilnadu rep by its
The Inspector of Police



2. The State of Tamilnadu Rep by its
The Inspector of Police
CBCID Police
Vellore
(Cr.No.2/2023)

3.The Public Prosecutor, High Court of Madras, Chennai.

Dr.G.JAYACHANDRAN,J.

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