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Crl.O.P.No.14153 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.14153 of 2024

K.Manickam

... Petitioner

Vs.

1.The Sub Inspector of Police,
Gingee.

2.Balasubramanian
3.Poovaraga Moorthy
4.Arivu @ Arivalagan
5.Kumaran

Bonda @ Venkatesan (died)
Respondents

...

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the learned Judicial Magistrate, Gingee to dispose of the Crl.M.P.No.3242 of 2023 in C.C.No.261 of 2013 before the trial is taken up in the matter.

For Petitioner : Mr.N.Suresh

For R1 : Mr.S.Udayakumar
Government Advocate (Crl.Side)

ORDER

The petitioner herein is the victim of assault is before this Court alleging that the 1st respondent/the Investigating Officer has not enquired



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the matter properly and he has not collected the medical records of the petitioner, who after provided first aid in Government hospital, Gingee referred to the Government Medical College hospital at Mundiambakkam, Villupuram was treated as inpatient from 25.02.2012 to 29.02.2012. He filed application under Section 91 Cr.P.C., before the trial Court for production of medical record from the Government hospital at Mundiambakkam, Villupuram. The said petition in CrI.M.P.No.3242 of 2023 filed on 19.06.2023 is pending before the trial Court for nearly one year. Till date the application is not disposed of. Hence the present petition for direction to the Judicial Magistrate to dispose of the application.

2. The learned Government Advocate (CrI.Side) appearing for the respondent police on perusal of CD file submitted that the investigation does not reveal that the victim was referred to Government hospital Mundiambakkam for further treatment. He got treated by a doctor in Government hospital, Gingee and that doctor's statement and Accident Report are filed along with the final report.

3. From the copy of the discharge summary issued by the



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Government hospital, Villupuram, this Court finds that the petitioner was admitted in the hospital on 25.02.2012 and got discharged on 29.02.2012. However, there is no investigation about his further treatment.

4. The learned counsel appearing for the petitioner states that the trial Court without passing order in his application Crl.M.P.No.3242 of 2023 is proceeding with examination of witnesses.

5. This Court finds that when the specific allegations of perfunctory investigation is made along with request for production of document, which is necessary to decide about the nature of injury sustained by the victim, the trial Court cannot proceed with examination of witnesses without passing orders on the application for production of document. Therefore, the trial Court is directed to dispose of the application in Crl.M.P.No.3242 of 2023 and thereafter, commence the examination of witnesses. The trial Court is directed to pass order in Crl.M.P.No.3242 of 2023 on merits within a period of four weeks from the date of receipt of a copy of this order.

Dr.G.JAYACHANDRAN,J.

rpl



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6. With this direction, this Criminal Original Petition is disposed of.

19.06.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The Judicial Magistrate, Gingee

2.The Sub Inspector of Police,
Gingee.

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

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