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Crl.OP.No.24062 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.24062 of 2023

M.Elsiyus Fernando
S/o.D.Michel Fernando

... Petitioner

Vs.

1.The Inspector of Police,
Central Crime Branch,
ACP – II, Team – I,
Tambaram Police Commissioner Office,
Sholinganallur, Chennai – 119.

2. Fr.George Stephen
[R2 impleaded as per order of this Court dated
08.01.2024 in Crl.M.P.No.18162 of 2023]

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C.,
pleased to pass an order directing the respondent Inspector of Police, to
receive the petitioner's incriminating documents and to include the
petitioner as a witness in Crime No.102/2022 on the file of the
respondent Inspector of Police and to investigate the involvement and the
roles played by the persons named in the para no.38 of the affidavit and
to take appropriate penal action under law against them.



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For Petitioner : Mr.P.T.Perumal

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]
Mr.K.V.Muthuvisakan [R2]

ORDER

This Criminal Original Petition has been filed for a direction to the respondent police to examine the petitioner as a witness during the course of investigation in Crime No.102 of 2022 and to collect the incriminating documents in order to substantiate the role played by the accused persons.

2. Heard Mr.P.T.Perumal, learned counsel for petitioner, Mr.A.Damodaran, learned Additional Public Prosecutor, appearing for first respondent and Mr.K.V.Muthuvisakan, learned counsel appearing for second respondent.

3. Learned counsel for second respondent/*de facto* complainant submitted that the petitioner has no *locus standi* to maintain such a petition since the petitioner is a third party to the case.



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4. Learned counsel for petitioner, by relying upon the affidavit filed by the petitioner on 08.01.2024, submitted that during the pendency of this petition, the respondent police served witness summons on the petitioner calling upon the petitioner to appear and to give his statement. On 19.12.2023, the petitioner appeared before the respondent and his statement was recorded and he had also submitted the relevant documents in order to aid the investigation.

5. Learned Government Advocate [CrI.side] appearing on behalf of first respondent police submitted that nothing survives in this petition since the petitioner was issued with a witness summon and he was called during the course of investigation and his statement has also been recorded.

6. In the light of the subsequent development that has taken place, no further orders are required to be passed in this petition except recording the aforesaid facts.



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N.ANAND VENKATESH, J.

gm

Accordingly, this Criminal Original Petition is disposed of.

08.01.2024

Speaking Order/Non-speaking Order

Index : Yes/No

Neutral citation: Yes/No

gm

To

1. The Inspector of Police,
Central Crime Branch,
ACP – II, Team – I,
Tambaram Police Commissioner Office,
Sholinganallur, Chennai – 119.

2. The Public Prosecutor,
High Court, Madras.

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