



Crl.O.P.(MD) No.695 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.695 of 2024

S.Viswanathan

...Petitioner

VS

**1.The Superintendent of Police,
District Office,
Subramaniyapuram,
Trichy District.**

**2.The Inspector of Police,
District Crime Branch (DCB),
Subramaniyapuram,
Trichy District.**

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the 2nd respondent to file final report in Crime No.1 of 2022 on the file of the 2nd respondent Police within the stipulated period as may fixed by this Court in the light of the protest order passed in Cr.M.P.No.25188 of 2022 dated 20.10.2022 on the file of the learned Judicial Magistrate No.I, Trichy.



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For Petitioner : Mr.R.Sakthivel

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

The learned Counsel for the Petitioner submitted that the Petitioner is the defacto complainant in Crime No.1 of 2022, on the file of the Inspector of Police, District Crime Branch, Trichy. After investigation, the Inspector of Police, District Crime Branch, Trichy, had filed a negative final report. A notice of the referred charge sheet was also served on the defacto complainant. The Petitioner herein, had approached the learned Judicial Magistrate No.I, Trichy and filed a protest petition in Cr.M.PNo.25188 of 2022. After due enquiry, the learned Judicial Magistrate No.I, Trichy, as per order, dated 20.10.2022, in Cr.M.P.No.25188 of 2022, directed the Inspector of Police, District Crime Branch, Trichy, for further investigation. Even though the order was passed for further investigation on 20.10.2022, till date the investigation had not been proceeded. Therefore, the defacto complainant was forced to file this petition seeking a direction against the Superintendent of Police, Trichy District and Inspector of Police, District Crime Branch, Trichy.



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2.The learned Government Advocate (Crl.Side) on instructions of the Respondents 1 and 2 submit a status report. As per the status report, the order passed by the learned Judicial Magistrate No.I, Trichy, was not received by the Inspector of Police, District Crime Branch, Trichy.

3.As per the practice in the trial Court, the Police Stations attached to the Court of the learned Judicial Magistrate shall depute a constable regularly to watch the proceedings and to report the same to the Station House Officer concerned regarding the trial, regarding service of summons to the witnesses, regarding service of summons to the accused, regarding FIR registered by the Police Station concerned, filing of charge sheet and filing of FIR on a daily basis. Also, as per Police Standing Order, the Station House Officer of the Police Station shall change the duty for every month or once in fortnight so that all the Police officers in the particular Police Station is acquainted with the Court work. Just as in a civil Court, the Advocate Clerks takes notice of the day proceedings to the office of the Advocate, the Police Constable sent to the Court of the learned Judicial Magistrate shall send a daily report to the Station House Officer, informing



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him all the stages of the case and the pendency of the cases on a daily basis.

The Police Standing Order insisted for the change of duty of the police constable periodically, so that all the Police Officers are acquainted with the Court work. Under those circumstance, they had to interact with the Assistant Public Prosecutor attached to the Court of the learned Judicial Magistrate and also, the Station House Officer of the Police Station also has to call on the Judicial Magistrate in case of emergency on a daily basis. This is the functioning of the trial Court.

4.Under those circumstances, the status report filed by the Inspector of Police, District Crime Branch, Trichy, stating that he does not have knowledge of the order passed by the learned Judicial Magistrate No.I, Trichy, is found unacceptable. The Inspector of Police, District Crime Branch, Trichy, has the audacity to state in the status report that he was not aware of the orders passed by the learned Judicial Magistrate No.I, Trichy. That shows the SHO of District Crime Branch is not following the procedures regarding Court work on a regular basis. He/she does not have regular contact with the Assistant Public Prosecutor attached to the District Crime Branch or to the Assistant Public Prosecutor attached to to the Court



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of the learned Judicial Magistrate concerned. He/she is also not deputing his staff to the Courts concerned on a regular basis.

5.Also in Tamil Nadu, in the District Head quarters, wherever the Court of learned Judicial Magistrate No.I is functioning, the CBCID as well as the District Crime Branch of the respective District are attached to the Court of Judicial Magistrate No.I. Under those circumstances, a Special Assistant Public Prosecutor is deputed for CBCID and a Special Assistant Public Prosecutor for District Crime Branch, Trichy.

6.Accordingly, the first Respondent is directed to register a case as per the order of the learned Judicial Magistrate and to withdraw the investigation from the present Inspector of Police (District Crime Branch) and hand over the same to an Officer, who is impartial and has investigation skill as per the assessment of Superintendent of Police, Trichy. Further, the first Respondent is directed to nominate a Senior Officer not below the rank of Additional Superintendent of Police/Deputy Superintendent of Police to continuously monitor the case till the investigation is completed and the final report is filed before the Court concerned.



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With the above directions, this Criminal Original Petition is disposed

of.

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To

- 1.The Superintendent of Police,
District Office,
Subramaniyapuram,
Trichy District.
- 2.The Inspector of Police,
District Crime Branch (CDB),
Subramaniyapuram,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

mm/lr

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