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CRL.R.C.(MD).No.744 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 20.08.2024

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.R.C.(MD)No.744 of 2024

Eswaran

: Petitioner/Petitioner

Vs.

The State rep.by the Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
Crime No.185 of 2023.

: Respondent/ Respondent

PRAYER: Criminal Revision Petition has been filed under Section 438 and 442 Bharatiya Nagarik Suraksha Sanhita 2023, to call for the record and set aside the order passed by the Judicial Magistrate Court No.II, Sivakasi, Virudhunagar District in Crl.M.P.No.211 of 2024 on 03.05.2024.

For Petitioner : Mr.M.Jothi Basu

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Criminal Side)

ORDER

The Criminal Revision Case is directed against the order, dated 03.05.2024 in Crl.M.P.No.211 of 2024 on the file of the learned Judicial Magistrate Court No.II, Sivakasi, Virudhunagar District, dismissing the petition filed under Section 457 of Cr.P.C.



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2. It is not in dispute that the property recovered was given to the petitioner on interim custody. The petitioner has filed the present application seeking permission to sell the property. The learned Magistrate, after hearing the objections of the respondent, has passed the impugned order, dismissing the petition. The reasons assigned by the learned Magistrate are that the investigation is pending and that the final order cannot be passed before the completion of trial.

3. It is seen from the records that at the instance of the petitioner as per order of this Court in Crl.O.P(MD)No.2000 of 2024, dated 09.02.2024, the Superintendent of Police, Virudhunagar District, has issued proceedings, dated 23.07.2024, nominating one Tmt.Vedhavalli, Inspector of Police, Thiruthangal Circle Police Station, as Investigation Officer for the present case.

4. The learned Government Advocate (Criminal Side) would submit that the Inspector of Police, Thiruthangal Circle Police Station, who was nominated as Investigation Officer has taken charge and the investigation is pending.



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5. Considering the facts and circumstances of the case and taking note of the fact that the FIR in Crime No.185 of 2023 came to be registered in the year 2023 and the investigation is pending, this Court is of the view that the respondent Police has to be directed to complete the investigation within stipulated time.

6.Considering the above, the Investigating Officer, who was nominated by the Superintendent of Police, Virudhunagar District, in the proceedings, dated 23.07.2024, is directed to complete the investigation and file final report within a period of three months from the date of receipt of copy of this order.

7. In view of the above, the Criminal Original Petition is disposed of.

20.08.2024

NCC : yes/No
Index : yes/No
Internet : yes/No
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- To
- 1.The Judicial Magistrate Court No.II,
Sivakasi, Virudhunagar District.
 - 2.The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
 3. The Inspector of Police, (Investigating Officer)
Thiruthangal Circle Police Station.
Virudhunagar District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

DAS

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