



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Criminal Original Jurisdiction

Tuesday, the Third day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL MP(MD). No.9146 of 2024
in
Crl.O.P(MD)No.23354 of 2023

Gopalakrishnan

... Petitioner/Petitioner

Vs

1 The Superintendent of Police
Karur District Karur.

2 The Deputy Superintendent Of
Police Kulithalai Karur District.

3 The Inspector of Police
All Women Police Station Kulithalai (I/c)
Palaviduthi Police Station Karur District.
Crime No.190/2023
(Palaviduthi Police Station)

... Respondent/Respondent

Prayer :-

Criminal Miscellaneous Petition filed under section 528 of BNSS 2023 @ 482 of Cr.P.C. To amend the court and case number as Principal District and Sessions Judge, Karur in S.C.NO.19 of 2024 instead of Learned Judicial Magistrate No.I, Kulithalai in P.R.C.No.2 of 2024 in Crl.O.P.(MD).No.23354 of 2023 dated 19.03.2024.

Prayer in Crl.O.P(MD)No.23354 of 2023:-

Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the 1st and 2nd respondent to consider petitioner representation dated

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22.11.2023 and withdraw and transfer the investigation in Crime No.190/2023, on file of the 3rd respondent police to some other investigation agency and conducted the fresh investigation, first and second respondent monitor the same and file a final report on the basis of the fresh investigation.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s. S. Muniyandi, Advocate for the Petitioner and of Mr. R.M. Anbunithi, Government Advocate for the respondents, this Court made the following order:

This petition has been filed for amendment.

2. The prayer is made to amend the Court and case number as Principal District and Session Judge, Karur, in S.C.No.19 of 2024 instead of learned Judicial Magistrate No.I Kulithalai in PRC.No.2 of 2024, with reference to the order made in CrI.O.P.(MD)No.23354 of 2023, dated 19.03.2024.

3. On a perusal of the records of the case, it can be seen that the petitioner herein had filed CrI.O.P.(MD)No.23354 of 2023, with a prayer to transfer the investigation in crime No.190 of 2023 on the file of from the file of the Inspector of Police, All Women Police Station, Kulithalai, to some other investigating agency and conduct fresh investigation. When the criminal Original Petition was pending, it was brought to the notice of this court that already investigation was completed and the charge sheet was filed and the same was taken on file as P.R.C.No.2 of 2024 on the file of the Judicial Magistrate No.1, Kulithalai. Therefore, by an order dated 19.03.2024, this Court passed an Order, directing the Judicial Magistrate No.I, not to proceed with the committal proceedings and to record the statement of the



petitioner and based on the statement of the petitioner, in the committal proceedings itself, to order further investigation. However, it seems that the order was not made available immediately and the order was communicated to the learned Judicial Magistrate No.I, Kulithalai, on 29.04.2024 only. In the meanwhile, on 05.04.2024 itself, the case was committed and it was taken on file as S.C.No.19 of 2024 and now, it is pending on the file of the Principal District and Sessions Court, Karur. In view of the same, when already this Court had directed further investigation to be ordered by the concerned Court after recording of the statement, now it would be open for the petitioner to make the statement, when she is examined as the witness in the case and the learned trial Judge, shall take notice of the Order dated 19.03.2024, of this Court and after considering the statement, which is to be made by the petitioner, shall pass appropriate orders of further investigation in accordance with law, after considering the matter on its own merits.

4. With the above observation, the petition shall stand disposed of.

Sd/-

Assistant Registrar(CS III)

// True Copy //

/09/2024

Sub Assistant Registrar
(CS - I/ II / III /IV)



Is
TO

1. The Judicial Magistrate No.I,
Kulithalai.
2. The Principal District and Sessions Judge,
Karur.
3. The Superintendent of Police
Karur District Karur.
4. The Deputy Superintendent Of Police
Kulithalai Karur District.
5. The Inspector of Police
All Women Police Station Kulithalai (I/c)
Palaviduthi Police Station Karur District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

+ 1.c.c. To M/s. S. Muniyadi, SR.No.49382.

Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 03/09/2024

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ORDER

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CRL MP(MD). No.9146 of 2024

in

CrI.O.P(MD)No.23354 of 2023

Giving direction and etc.
as stated within.

MK/27.09.2024 4P/9C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023

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