



Crl.O.P.(MD)No.19655 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19655 of 2024

Ragupathi

... Petitioner

Vs.

1.The Superintendent of Police,
Sivagangai District.

2.The State
rep., by the Inspector of Police,
Kallal Police Station,
Sivagangai District.
Crime No.130 of 2024

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to direct the respondents to file the final report with appropriate penal provisions in Crime No.130 of 2024 dated 28.06.2024 and to expedite the investigation within a stipulated time as may be fixed by this Court.

For Petitioner	: Mr.S.Arokiya Selva Ramesh
For Respondents	: Mr.A.Thiruvadikumar Additional Public Prosecutor



Crl.O.P.(MD)No.19655 of 2024

WEB COPY

ORDER

On the complaint of the petitioner/defacto complainant, case in Crime No.130 of 2024 for the offence under Sections 294(b), 427, 324 and 506(ii) of IPC was registered. Though the case was registered as early as on 28.06.2022 against four persons, so far none of the accused have been arrested. The respondent police also not seized any weapon. The petitioner had given a representation and photograph of the weapon used in the assault to the first respondent stating that the spear was so entered into the body and it could not be removed. Along with this spear, the petitioner was taken to the Government Hospital, during surgery, spear was removed and it handed over to the respondent police. The respondent police have not considered all these aspects. Further, the petitioner was taking treatment as inpatient for twenty days, grievous injury, but the respondent police have not included the other offences. Hence, he filed this petition for proper investigation, include appropriate Sections and filing a final report by considering the petitioner's representation dated 17.10.2024.



Crl.O.P.(MD)No.19655 of 2024

WEB COPY

2. The learned Additional Public Prosecutor appearing for the respondent police submitted that in this case, the petitioner and defacto complainant are close relatives. The first accused is the brother of the petitioner and other accused are family members of the first accused. There was some property dispute, for which, the accused had attacked the petitioner. The petitioner's contention of sphere was stuck deep in the body would be considered and doctor would be examined in this regard. Surgery was conducted and the removal of spear, all would be recorded along with medical report. He further submitted that the petitioner had taken treatment as inpatient for twenty days and hence, in this regard, appropriate offence would be included. He fairly submitted that from the CD report, only filed second AR report and first AR report is not available to immediately respond the query raised by this Court.

3. Finding that there was some laxity in the investigation in Crime No.130 of 2024, this Court directs the Deputy Superintendent of Police, Devakottai District, to monitor the investigation in Crime No.130 of 2024 and ensure that appropriate Section are included and charge sheet is filed within three months from the date of receipt of a copy of this order.



Crl.O.P.(MD)No.19655 of 2024

WEB COPY

4. With the above directions, this Criminal Original Petition is disposed of.

NCC : Yes / No
Index : Yes / No
Rmk

14.11.2024

To

- 1.The Superintendent of Police,
Sivagangai District.
- 2.The Inspector of Police,
Kallal Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



Crl.O.P.(MD)No.19655 of 2024

M.NIRMAL KUMAR, J.

Rmk

Order made in
Crl.O.P.(MD)No.19655 of 2024

Dated: 14.11.2024