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Crl.O.P.No.17501 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.07.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.17501 of 2025

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B.Bhuvaneswari, W/o Raj Kumar

.. Petitioner

Vs.

1. The Superintendent of Police,
Namakkal, Namakkal District.

2. State Rep. by Inspector of Police,
AWPS, Rasipuram,
Rasipuram, Namakkal District.
Cr.No.16 of 2024.

.. Respondents

Criminal Original Petition filed under Section 528 of the BNSS praying to transfer the investigation in Cr.No.16 of 2024 pending on the file of the second respondent-Police to the CB.CID Police or any other investigating agency.

For petitioner : M/s.T.Sundaravadanam

For respondents: Mr.S.Vinoth Kumar, Govt. Advocate (Crl. Side)



WEB COPY



Crl.O.P.No.17501 of 2025

ORDER

This petition is filed to transfer the investigation in Crime No.16 of 2024 pending on the file of the second respondent-Police to the CB.CID Police or any other investigating agency.

2. By order dated 18.06.2025, this Court closed this petition based on the submission of the learned Government Advocate that after completion of investigation in Crime No.16 of 2024, charge sheet has been filed before the learned Judicial Magistrate, Rasipuram on 28.03.2025 itself.

3. This Court, by the very same order dated 18.06.2025, also directed as follows:

"3. Registrar General is directed to call for a report from the learned Judicial Magistrate, Rasipuram as to whether charge sheet dated 28.03.2025 in Crime No.16 of 2024 filed by the respondent-Police has been taken on file or not. If not, the Registry is directed to call for explanation



WEB COPY



CrI.O.P.No.17501 of 2025

from the Judicial Magistrate concerned and file a report before this Court on 14.07.2025.

4. List the matter on 14.07.2025 for filing the report."

4. Subsequently, the Judicial Magistrate, Rasipuram, by letter dated 26.06.2025 (in D.No.1099/2025), had stated as under:

"1. I humbly submit the remarks as called for in the reference cited in C.O.No.306/2025. The charge sheet in Crime No.16/2024, on the file of the All Women Police Station, Rasipuram, was filed through the e-filing portal of the Judicial Magistrate Court on 08.04.2024. Upon scrutiny, the same was not taken on file, and objections were raised on 21.04.2025 due to the non-uploading of the required documents.

2. I further humbly submit that upon perusal of the e-filing records, it is seen that on 03.04.2025, two files were uploaded and on 09.04.2025, two separate files were uploaded. However, the charge sheet and the connected documents were uploaded as a single file instead of separate files in OCR format. None of the parameters laid out in the Madras High Court e-filing Rules 2020, were



WEB COPY



CrI.O.P.No.17501 of 2025

followed. Additionally, the 161 Cr.P.C Statement of Witness No.7 mentioned in the witness list and the Domestic Welfare Officer's report were not filed.

3. I further humbly submit that in the month of April 2025, the last date of document filed by the Investigating Officer was 09.04.2025. From the next day, i.e., 10.04.2025 to 14.04.2025, were public holidays. The period from 15.04.2025 to 17.04.2025 were working days, followed by holidays from 18.04.2025 to 20.04.2025. On 21.04.2025, the file was returned after scrutiny.

4. As on date, the returns have not been complied with by the Investigating Officer, nor has the file been re-presented. Furthermore, the Investigating Officer has not appeared before the court on any date to represent the status of filing or to clarify the reason for the return.

5. This is submitted for your Honour's kind consideration."

5. From the above report of the Judicial Magistrate, Rasipuram, it is clear that the respondent-Police, while filing the charge-sheet, have not



Crl.O.P.No.17501 of 2025

followed the e-filing Rules formulated by this Court and it was returned on several occasions.

6. However, the learned Government Advocate (Criminal Side) appearing for the respondents submitted that the defect pointed out by the learned Magistrate, was subsequently ratified and the case is taken on file in C.C.No.273 of of 2025.

7. The above report of the Magistrate, dated 26.06.2025, is hereby recorded.

14.07.2025

CS

To

1. The Superintendent of Police,
Namakkal, Namakkal District.
2. State Rep. by Inspector of Police,
AWPS, Rasipuram,
Rasipuram, Namakkal District.
Cr.No.16 of 2024.
3. The Public Prosecutor, High Court, Madras.

Page No.5/6



WEB COPY



Crl.O.P.No.17501 of 2025

P.VELMURUGAN, J

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Crl.O.P.No.17501 of 2025

14.07.2025

Page No.6/6