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CrI.O.P.No.19820 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.19820 of 2025 and

CrI.M.P.No.13686 of 2025

D.Alexis Sudhakar

... Petitioner

Vs.

The Inspector of Police

E-1, Mamallapuram Police Station

Chengalpattu District

... Respondent

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S., to direct the Learned District Munsif Cum Judicial Magistrate, Thirukazhikundram to number and dispose of the unnumbered Criminal Miscellaneous Petition filed under Section 193(9) of Bharatiya Nagarik Suraksha Sanhita, 2023 on 02.06.2025 in PRC No.08/2025 on merits within a time bound manner along with the interconnected encounter case in Cr.No.413/2024 of Chengalpattu Police Station.

For Petitioner : Mr.Abudu Kumar Rajaratnam
Senior Counsel
for Mr.K.Raghunath

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (CrI. Side)



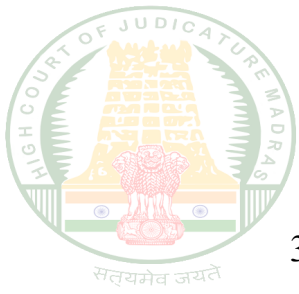
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ORDER

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This Criminal Original Petition has been filed by the petitioner to direct the learned District Munsif Cum Judicial Magistrate, Thirukazhukundram to number and dispose of the un-numbered Criminal Miscellaneous Petition filed under Section 193(9) of Bharatiya Nagarik Suraksha Sanhita, 2023 on 02.06.2025 in PRC No.08/2025 on merits within a time bound manner along with the interconnected case in Crime No.413/2024 of Chengalpattu Police Station.

2. When the matter came up before this Court on 16.07.2025, this Court had directed the Registry to call for report from the District Munsif Cum Judicial Magistrate, Thirukazhikundram. The same has been received and placed before this Court today (25.07.2025) in which, it is stated that since the petitioner and other accused were not cooperating for completing the PRC proceedings, the same is still pending. Meanwhile, the petitioner filed the petition under Section 193(9) of BNSS for further investigation.



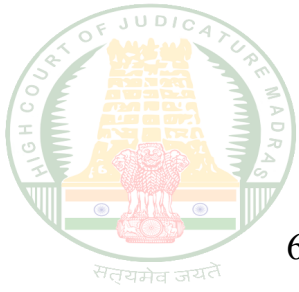
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3. Since the charges mentioned in the charge sheet filed by the police is triable by the Court of Sessions, the Magistrate has no authority to order for further investigation. If all the accused appear and co-operate for the the completion of PRC proceedings, the learned Magistrate shall forward the application along with the committal proceedings to the Court of Sessions.

4. Therefore, the accused are directed to co-operate with the learned District Munsif cum Judicial Magistrate, Thirukazhikundram, for committal proceedings.

5. The learned Magistrate is directed to commit the case to the jurisdictional Sessions Court after completion of the committal proceedings, along with the application of the petitioner filed under Section 193(9) of BNSS. On receipt of the same, the Jurisdictional Sessions Judge concerned is directed to proceed with the application after giving opportunity to all the parties in accordance with law.



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

of. Consequently, the connected Miscellaneous Petition is closed.

25.07.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

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1. The District Munsif Cum Judicial Magistrate,
Thirukazhikundram
2. The Inspector of Police
E-1, Mamallapuram Police Station
Chengalpattu District
3. The Public Prosecutor
High Court of Madras, Chennai.



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P.VELMURUGAN,J.

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