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Crl.R.C.No.2280 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.03.2025

Coram:

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

Crl.R.C.No.2280 of 2023

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K.Swagath

.. Petitioner

Vs.

1.The Deputy Commissioner of Police,
Washermenpet District,
1st Floor, H-5 New Washermenpet PS,
Washermenpet,
Chennai - 600 081.

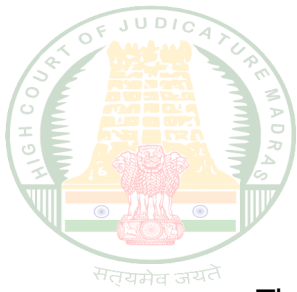
2.The Inspector of Police,
N-2, Kasimedu Police Station,
Chennai - 600 013.
Crime No.8 of 2023

.. Respondents

Criminal Revision Case filed under Section 397 read with Section 401 of Cr.P.C., 1973, to set aside the order passed in Crl.M.P.No.6259 of 2023, dated 11.09.2023, on the file of the learned XVI Metropolitan Magistrate, George Town, Chennai.

For petitioner : No appearance

For respondents : Mr.G.V.Kasthuri
Additional Public Prosecutor



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ORDER

The petitioner/defacto completion has filed the present revision challenging the order of dismissal passed by the learned Metropolitan Magistrate No.XVI, George Town, Chennai, in Crl.M.P.No.6259 of 2023.

2. The Criminal Revision is of the year 2023 and there was no representation on behalf of the petitioner. Therefore, this Court is inclined to take up the revision for final disposal.

3. It is seen from the records that the petitioner had filed a complaint before the second respondent-Police in Crime No.8 of 2023 dated 07.01.2020, alleging that he had purchased a gold ring weighing 4.090 grams from the accused, believing it to be of 22-carat purity based on the marking made by the accused. However, on subsequent verification with Kranti Assayers, it was revealed that the gold ring was of only 19.27-carat purity.

4. The petitioner, after repeated requests to the respondent-Police to take action, was forced to approach the learned Metropolitan Magistrate under Section 156(3) Cr.P.C., seeking a direction for the registration of an FIR. The learned Metropolitan Magistrate allowed the petition, directing the registration of a case under Sections 406 and 420 IPC. However, the second respondent failed to take



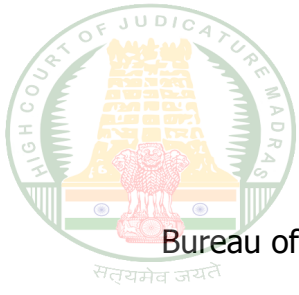
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effective steps in the investigation and delayed the filing of the charge sheet, despite the clear prima facie evidence available through the purity certificate.

5. Since the charge sheet was not filed within the statutory period, the petitioner approached the learned Metropolitan Magistrate for a direction to transfer the investigation to an independent agency, citing the deliberate inaction and collusion between the investigating officer and the accused. The learned Magistrate, however, dismissed the petition on the ground that the investigation was nearing completion.

6. The learned Additional Public Prosecutor, on instructions, submitted that the investigation is completed, but the purity certificate is pending consideration.

7. Admittedly, there is no serious allegation warranting a transfer of investigation to the CBCID except for the unjustified delay in filing the charge sheet. However, considering the lack of diligence and the apparent bias shown by the respondent-Police, this Court is of the view that the ends of justice would be met by directing the respondent-Police to file the charge sheet within a period of one month viz., on or before 15.04.2025. Accordingly, the Criminal Revision Petition is dismissed. It is made clear, in the event of failure to file the charge sheet within the time stipulated, the investigation shall stand automatically transferred to the Central



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Bureau of Investigation (CBI) for further investigation.

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8. List the Criminal Revision on 16.04.2025 under the caption for "reporting compliance".

12.03.2025

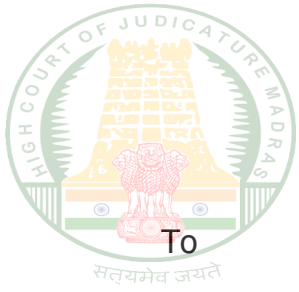
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Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No

Note: The Registry is directed to list the matter on 16.04.2025 "for reporting compliance".



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To

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1. The Deputy Commissioner of Police,
Washermenpet District,
1st Floor, H-5 New Washermenpet PS,
Washermenpet,
Chennai - 600 081.
2. The Inspector of Police,
N-2, Kasimedu Police Station,
Chennai - 600 013.
3. The XVI Metropolitan Magistrate,
George Town, Chennai.
4. The Public Prosecutor,
Madras High Court, Chennai.



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P.VELMURUGAN, J

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