



Crl.O.P.(MD)No.1650 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1650 of 2025

V.Rengasamy

: Petitioner

Vs.

State of Tamil Nadu,
rep., by the Inspector of Police,
Velayuthampalayam Police Station,
Karur District.
Crime No.31 of 2012

: Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the respondent's investigation officer namely Gurunathan to appear before the learned Judicial Magistrate No.I, Kulithalai, Karur District in CC.No.40 of 2020 on 05.02.2025.

For Petitioner : Mr.R.Mathiyalagan

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (crl.side)



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ORDER

The petitioner, who is arrayed as accused No.1 in CC.No.40 of 2020 and facing trial for the offence under Sections 294(b), 323, 324 and 506(ii) of IPC before the learned Judicial Magistrate No.I, Kulithalai, Karur District, had filed this petition. The contention of the petitioner is that in this case all the witnesses have been examined and they have been cross-examined in detail. From 13.08.2024, the case is posted for examination of one Gurunathan, then Investigating Officer and so far 16 hearings, the case was listed for appearance of Gurunathan, but he did not turn up. On 21.09.2024, witness warrant was also issued. Lastly, the case was posted on 05.02.2025, but the Investigating Officer/ Gurunathan is yet to respond to the summon as well as to the witness warrant. Hence, seeks appropriate direction.

2. The learned Government Advocate (crl.side) submitted that on enquiry, the said Gurunathan is still in Police Service and he is continuously serving as Inspector at Keelakarai Police Station from 13.08.2024 to till date. Further submitted that, Keelakarai being a



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sensitive area, due the pressure work, he was unable to appear on hearing dates, not deliberated. The learned Government Advocate, on instructions, submitted that on 05.02.2025, the said Gurunathan, then Investigating Officer, would appear positively without fail.

3. Considering the submissions and perusal of the materials, it is seen that one Gurunathan, then Investigating Officer, has been in service and he has been posted at Keelakarai Police Station. From 13.08.2024 to till date, he has been serving as Inspector at Keelakarai Police Station. It is 16 hearings, the case in CC.No.40 of 2020 was listed, the said Gurunathan has not responded for the summons and to the witness warrant, which is nothing, but dereliction of duty, for which, the Superintendent of Police, Ramanathapuram to take appropriate action against the said Gurunathan. The said Gurunathan is directed to appear before the learned Judicial Magistrate No.I, Kulithalai, on 05.02.2025, in CC.No.40 of 2020, without fail and to depose and thereafter, to report about the compliance of this Court direction to the Superintendent of Police. The Superintendent of Police also to ensure the same.



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

29.01.2025

NCC : Yes/No
Index : Yes / No
Rmk

To

- 1.The Judicial Magistrate No.I, Kulithalai, Karur District.
- 2.The Inspector of Police,
Velayuthampalayam Police Station,
Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

Rmk

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