



Crl. O.P(MD) NO. 21588 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl. O.P(MD) No. 21588 of 2025

Mangai

... Petitioner's

Vs.

1.The State of Tamil Nadu
rep. by the Superintendent of Police,
Pudukkottai.

2.The Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai
Cr.No.24 of 2024

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 to direct the respondent No.1, to take appropriate action in Crime No.24 of 2024 dated 24.01.2024 registered by the second respondent and file a final report within time frame.

For petitioner :Mr. R.Yeswanth



WEB COPY



Crl. O.P(MD) NO. 21588 of 2025

For Respondent :Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

ORDER

Preface:

The advent of the Bharatiya Nyaya Sanhita, 2023, the Bharatiya Nagarik Suraksha Sanhita, 2023, and the Bharatiya Sakshya Adhiniyam, 2023 marks a constitutional transformation in India's criminal jurisprudence. For the first time since Independence, the criminal process has been consciously re-engineered to be victim-centric, citizen-responsive and justice-oriented, in contrast to the colonial enactments which were historically designed to subserve the interests of an imperial administration and to control its subjects.

The new Codes emphasise timeliness, transparency, accountability, and proportionality, recognising delay as a denial of justice. In particular, the BNSS, 2023, by codifying strict timelines for investigation in Section 193, ensures that the investigating agency cannot indefinitely keep the sword of uncertainty hanging over the head of an accused or allow victims to languish without closure. It is in this mandate of constitutional justice



Crl. O.P(MD) NO. 21588 of 2025

that the present petition deserves to be examined.

WEB COPY

Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 to direct the first respondent to take appropriate action in Crime No.24 of 2024 dated 24.01.2024 registered by the second respondent and file a final report within time frame.

2. Submissions:

The learned counsel for the petitioner submitted that on 13.01.2024, when the petitioner and her two children travelled in bus with two bags, the petitioner had kept 35 sovereigns of gold jewels. At about 12.40 p.m., four ladies and one man boarded the bus. Due to humanitarianism, the petitioner allowed one of the ladies to sit in her seat. Thereafter, the passengers pushed the petitioner, due to which the petitioner could not save her bags. Thereafter, after reaching home, the petitioner found that 35 sovereigns of gold jewels, which were kept in the bag, were stolen. Hence, the petitioner gave a complaint in Crime No.24/2024 of 24.01.2024. However, no action was taken. Hence the case.



Crl. O.P(MD) NO. 21588 of 2025

The learned Government Advocate (Crl.Side) Mr.M. Sakti Kumar, submitted that the investigation is in process and however, the accused are not yet intercepted and also the stolen articles were not recovered and the investigating officer shall abide by any timeline fixed by this Court.

3. Statutory Mandate under Section 193 BNSS, 2023:

The BNSS has introduced a strict regime of time-bound investigation, which reads:

Section 193(1) BNSS

Every investigation under this Sanhita shall be completed without unnecessary delay.

Section 193(2) BNSS

In relation to offences punishable with imprisonment of seven years or more, the investigation shall ordinarily be completed within ninety days; and in all other offences, within sixty days.



Crl. O.P(MD) NO. 21588 of 2025

Section 193(3) BNSS

If the investigation is not completed within the period prescribed, the investigating officer shall record the reasons in writing and intimate the Magistrate of such delay.

The statute therefore creates (i) a positive duty to complete investigation promptly; (ii) outer time limits; and (iii) a compulsory accountability mechanism for delay. These provisions are mandatory in nature and bind the investigating agency.

4. Consideration by the Court:

This Court notes that the FIR in the present case was registered on 24.01.2024 and the investigation has not culminated in a final report even after a lapse of mandate period as contemplated under Section 193 (2) of BNSS, 2023. No material is placed before this Court to show that the reasons for delay were recorded in writing or that the same was intimated to the jurisdictional magistrate as required under Section 193 (3) of BNSS, 2023.

Such unexplained delay defeats the very purpose of the reformed



Crl. O.P(MD) NO. 21588 of 2025

statutory architecture, which mandates expeditious investigation so that the criminal process becomes an instrument of justice rather than a prolonged ordeal.

Further, this Court has already ordered in batch of Criminal Original Petitions in Crl.O.P.(MD) No.10290 of 2025 and batch, dated 25.11.2025, wherein certain direction have been issued to the Home Department and the Director General of Police in cases where the stolen properties were not recovered.

Accordingly, this Court is inclined to issue appropriate directions.

5. Direction:

In the light of the above statutory mandate and taking into account the facts and submissions:

(i) The Home Department and the Director General of Police are directed to follow the directions issued in Crl.O.P.(MD) No.10290 of 2025 and batch, dated 25.11.2025, in case of inability to detect the accused and the stolen articles.



Crl. O.P(MD) NO. 21588 of 2025

WEB COPY

(ii) The respondent police is directed to complete the investigation in Crime No.24 of 2024 and file a final report before the jurisdictional Court within a period of eight (8) weeks from the date of receipt of a copy of this order.

(iii) If for any legally acceptable reason the investigation cannot be completed within the above period, the investigating officer shall strictly comply with Section 193(3) BNSS by recording reasons in writing and placing the same before the jurisdictional Magistrate without fail.

(iv) The petitioner is at liberty to work out his remedies in accordance with law if the above directions are not complied with.

6. Epilogue

The BNSS, 2023 embodies a shift from a punitive colonial to a framework justice-centric democratic framework. Timely investigation is the first guarantee of fairness to both victim and accused. This Court expects diligent adherence to statutory timelines by the investigating



Crl. O.P(MD) NO. 21588 of 2025

agency.

WEB COPY

Accordingly, this Criminal Original Petition is disposed of with the above directions.

01.12.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
apd

To

1. The Superintendent of Police,
Pudukkottai.

2.The Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

1.The Secretary to Government,
Home Department,
Secretariat, Chennai.

2. The Director General of Police [HoPF],
Chennai.



WEB COPY



Crl. O.P(MD) NO. 21588 of 2025

L.VICTORIA GOWRI,J

apd

Crl O.P.(MD) No. 21588 of 2025

01.12.2025