



Crl. O.P(MD) NO. 21531 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.12.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

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Saravana Siva Rajaji

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep By, the Superintendent of Police,
Madurai District.

2. The Deputy Superintendent of Police,
Madurai District.

3. The Sub Inspector of Police,
Melavalavu Police Station,
Melur Taluk,
Madurai District.
Cr.No.113 of 2025.

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 to transfer the investigation of the case in Cr.No.113 of 2025 on the file of the 3rd respondent, Melavalavu Police station, to 1st or 2nd respondents or to any other senior officer not below the rank of Deputy superintendent of police (DSP) for ensuring a fair, impartial and expeditious investigation and for filing of final report.



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For petitioner :Mr. P.Gokulnaath
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



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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 that the present petition deserves to be examined.

Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 to transfer the investigation of the case in Cr.No.113 of 2025 on the file of the third respondent, Melavalavu Police station, to first or second respondents or to any other senior officer not below the rank of Deputy superintendent of police (DSP) for ensuring a fair, impartial and expeditious investigation and for filing of final report.

2. Submissions:

The learned counsel for the petitioner submitted that the matter is one pertaining to theft of jewellery, mobile phone and car and the date of occurrence was 24.07.2025 and the FIR came to be registered on 02.08.2025. Since such delay is being contrary to the statutory mandate under Section 193 BNSS, which prescribes time bound investigations and hence, sought for necessary directions.



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The learned Government Advocate (Crl.Side) Mr.M. Sakti Kumar, submitted that the investigation is in progress and already all the theft jewellery has been recovered including the mobile phone and the petitioner has also received the jewellery from the Court. However, the car, which is under the custody of accused No.2 is yet to be intercepted.

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.



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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 02.08.2025 and the investigation has not culminated in a final report even after a lapse of the mandated 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.



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Such unexplained delay defeats the very purpose of the reformed statutory architecture, which mandates expeditious investigation so that the criminal process becomes an instrument of justice rather than a prolonged ordeal.

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 respondent police is directed to complete the investigation in Crime No.113/2025 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.

(ii) 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.



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(iii) 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 agency.

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,
Madurai District.



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2. The Deputy Superintendent of Police,
Madurai District.

3. The Sub Inspector of Police,
Melavalavu Police Station,
Melur Taluk,
Madurai District.

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

L.VICTORIA GOWRI,J



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