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W.P.No.6591 of 2021
(Through Video Conferencing)

N. ANAND VENKATESH, J.

Status Report - V, was filed by the Investigation Officer.

The relevant portions in the Status Report are extracted hereunder:

"17.It is submitted that after filing fourth status report on 18.06.2021, the following investigation procedure was done.

- i) Eight witnesses including two forensic experts were examind.
- ii) Two witnesses were re-examined.
- iii) Forensic analysis report of 3 DVRs were received.
- iv) Additional questionnaires with respect to Mobile phone of A-1 Accused was sent for analysis to TNFSD and the reply of the same was received.
- v) 65B IEA certificates for Call Detail Records of 13 mobile numbers were obtained.
- vi) CCTV footages of office of Director General of Police, Head of Police Force mentioned in Internal Complaints Committee report was obtained.

18.It is submitted that, thus far a total number of 122 witnesses have been examined and 35 witnesses have been re-examined under section 161(3) Cr.PC., and

their statements were recorded 72 documents were collected.

19.It is submitted that, Letter requesting sanction of prosecution against Accused A-1 Tr.Rajesh Das and A-2 Tr.Kannan and recommending departmental action against four other police officers has been sent to Government on 07.02.2021.

20.It is submitted that, Sanction of Prosecution against Accused A-1 and A-2 was accorded by the Government of Tamil Nadu vide G.O.Ms.No.294 and 295 of Home (SC) department dated 27.07.2021.

21.It is submitted that, final report was filed against the Accused A-1 Tr.Rajesh Das under Section 354, 354A(2), 341, 506(1) read with 109 Indian Penal Code and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 1998 and the Accused A-2 Tr.Kannan under Section 341, 506(1) Indian Penal Code, before Hon'ble Court of Chief Judicial Magistrate, Villupuram on 29.07.2021.

2. The learned State Public Prosecutor appearing on behalf of the 4th and 5th respondents submitted that pursuant to the earlier proceedings on 18.06.2021, the Investigation Officer had proceeded further with the investigation and all those developments that took place, has been explained at paragraph 17 of the Status Report. The learned State Public Prosecutor submitted that totally 122 witnesses have been examined and 72 documents were collected in the course of investigation. It was also submitted that the Final Report was filed before the Chief Judicial Magistrate, Villupuram, on 29.07.2021, as against two accused persons viz., Mr. Rajesh Das (A-1) and Mr. Kannan (A-2) for offences under Sections 354, 354A(2), 341, 506(1), 506(1) r/w 109 IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 2002. The learned State Public Prosecutor further submitted that sanction of prosecution was accorded by the Government of Tamil Nadu through G.O.Ms.No.294 and 295, Home (SC) department dated 27.07.2021, as against both A1 and A2. It was also brought to the notice of this Court that the Final Report has been taken on file by the learned Chief Judicial Magistrate, Villupuram and it has been assigned C.C.No.231 of 2021.

3.The learned Advocate General appearing on behalf of the 2nd and 3rd respondents submitted that the DGP, CBCID has already made a recommendation to the Additional Chief Secretary to the Government, Home Department, to initiate departmental proceedings as against the following officers viz., (1) Mr.Rajesh Das - IPS (2) Mr.Kannan - Superintendent of Police (3) Mr.H.M.Jayaram, IPS (4) Mr.Gunasekaran - Superintendent of Police (5) Mr.Varun Kumar- IPS and (6) Doctor Annie Vijaya - IPS. This recommendation was made through proceedings dt.06.07.2021 and through the very same proceedings, sanction was also sought for to prosecute A1 and A2. The learned Advocate General submitted that on receipt of the recommendation, sanction was also accorded by the Government of Tamil Nadu in G.O.Ms.No.294 and 295, Home (SC) department dated 27.07.2021.

4.The Status Report filed by the Investigation Officer and the submissions made by the learned Advocate General and the learned State Public Prosecutor have been carefully considered by this Court.

5.This Court after taking into consideration the seriousness of the incident that took place, had initiated this *suo motu* writ petition by

an order dt.01.03.2021. This Court also monitored the investigation at every stage and ultimately, the investigation has been completed, sanction has been obtained and the Final Report has been filed before the learned Chief Judicial Magistrate, Villupuram on 29.07.2021 and the same has been taken on file in C.C.No.231 of 2021.

6.In the fitness of things, it will be more appropriate if a time limit is fixed for the completion of the criminal proceedings before the learned Chief Judicial Magistrate, Villupuram. Ultimately, in a case of this nature, the criminal proceedings must reach its logical conclusion at the earliest possible time by holding proceedings on a day to day basis. The effectiveness of the criminal justice system largely depends upon the completion of the proceedings at the earliest and certainty of either punishment or acquittal, as the case may be, of the accused persons. This Court must hasten to add that the orders passed at various stages in this writ petition, including the present order, will not have any bearing on the learned Chief Judicial Magistrate, Villupuram while deciding the case on its own merits and in accordance with law. The *prima facie* findings that were given by this Court in the writ petition will not bind the trial court. This important aspect must be kept in mind by the

learned Chief Judicial Magistrate, Villupuram, while proceeding further with the case.

7. Accordingly, there shall be a direction to the learned Chief Judicial Magistrate, Villupuram, to proceed further and frame charges and conduct the trial on a day to day basis in line with the guidelines issued by the Hon'ble Supreme Court in *Vinod Kumar .Vs. State of Punjab* reported in *[2015] 1 MLJ (Crl) 288 (SC)*. In any event, the proceedings shall be completed on or before 20.12.2021 and a compliance report shall be filed before this Court. If in case, the learned Chief Judicial Magistrate, Villupuram, requires extension of time, for any reasons, an appropriate memo shall be filed before this Court and the same will be considered. As far as possible, the proceedings shall be conducted without granting unnecessary adjournments and it will be the duty of the respondent police, to summon the witnesses without causing any undue delay. It goes without saying that the witnesses will be cross examined on the same day they are examined in chief, unless such cross examination is not able to be conducted or concluded on the same day due to reasons beyond control.

8. Post this case under the caption **"for reporting compliance" on 23.12.2021.**

02.08.2021

Internet: yes
Index: yes/No
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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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