

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

N.ANAND VENKATESH, J.

This Court, while passing the earlier order on 30.04.2021, directed the Investigation Officer to take effective steps to complete the investigation and file the final report within a period of six weeks.

2. The Investigation Officer has sworn to an affidavit on 15.6.2021 and has assigned the reasons while seeking for six more weeks time to file the final report.

3. The Status Report has also been filed by the Investigation Officer. The relevant portions in the Status Report dated 15.6.2021 is extracted hereunder:

“15. It is submitted that, thus far a total of 113 witnesses have been examined under Section 161(3) Cr.P.C., and their statements were recorded for all the connected incidents in this case.

16. It is submitted that, in course of investigation

32 witnesses were interviewed again and their further statements were also recorded. Among 32 witnesses, 2 witnesses were re-examined after filing previous status report.

17. It is submitted that, three persons have been examined u/s 41(A) Cr.P.C., ie., A-1 Tr.Rajesh Das, IPS, Special Director General of Police (under suspension), A-2 Tr.Kannan, Superintendent of Police (under suspension) and Tr.Gunasekaran, Superintendent of Police, PEW, Salem so far.

18. It is submitted that, the 164 CrPC statements of crucial witnesses ie, Father-in-law and Husband of the defacto complainant were recorded on 07.05.2021 and 25.05.2021 respectively.

19. It is submitted that, five DVR/NVRs, seized for CCTV footages and the mobile phone of A1 have been handed over to Hon'ble CJM, Villupuram and forwarded to TNFSD for analysis.

20. It is submitted that, the analysis reports of

mobile phone and 2 DVRs were received on 04.05.2021.

Based on the report further questionnaires were prepared and sent to TNFSD on 03.06.2021 and reply is awaited.

Report of 3 DVRs are yet to be received.

21. It is submitted that, to receive the analysis report of remaining 3 DVRs from TNFSD, a priority letter was sent on 31.3.2021. In addition to this, a letter seeking present stage of analysis was sent on 09.06.2021.

22. It is submitted that, CDRs were analysed. As CDRs of Accused and witnesses contain corroboratory evidences request for certificate under Section 65B IEA has been sent to mobile service providers on 03.06.2021 and the same is yet to be received.

23. It is submitted that, copy of the Internal Complaints Committee report was received on 12.05.2021 and analysed. A request has been sent to obtain CCTV footages of DGP office on 20.05.2021 & 11.06.2021 and the same is to be collected.”

4. This Court heard Mr.R.Shanmugasundaram, learned Advocate General appearing on behalf of the second and third respondents and Mr.Hasan Mohamed Jinnah, leaned State Public Prosecutor, who appeared on behalf of the fourth and fifth respondents.

5.The State Public Prosecutor submitted that after the earlier order was passed on 30.4.2021, the Investigation Officer had recorded the statements of 7 more witnesses and thus far 113 witnesses were examined and their statements have been recorded under Section 161(3) Cr.P.C. The learned State Public Prosecutor further submitted that further statements were also recorded from some of the witnesses, who were already examined earlier. He would further submit that the 164 Cr.P.C. statements have been recorded from all the 7 witnesses and what remains is the analysis report and the same is pending with the Forensic Department. The State Public Prosecutor, on instructions from the Investigation Officer, submitted that all efforts are being taken to collect the analysis report and an outer time limit of six more weeks may be granted in order to file the final report in this case.

6. The Investigation Officer was also present at the time of hearing through video conferencing. The Investigation Officer stated that all efforts are made to collect the analysis report from the Forensic Department and it will be collected within the coming three weeks. The Investigation Officer also stated that the relevant certificates as required under Section 65B of the Indian Evidence Act is also parallelly collected. The Investigation Officer stated that all efforts will be taken to complete the investigation and file the final report before the concerned jurisdictional Court within a period of six weeks from today.

7. Mr.R.Shanmugasundaram, learned Advocate General appearing on behalf of the second and third respondents submitted that insofar as the report of the Internal Complaints Committee is concerned, the same has already been submitted to the Secretary, Home Department and steps are being taken to proceed further on the basis of the report submitted.

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8.This Court is satisfied with the reasons assigned in the affidavit filed by the Investigation Officer for not being able to complete the investigation within six weeks as expected by this Court in the previous

order dated 30.04.2021. The investigation is almost complete and what remains is certain reports to be collected by the Investigation Officer before the final report is filed before the concerned jurisdictional Court.

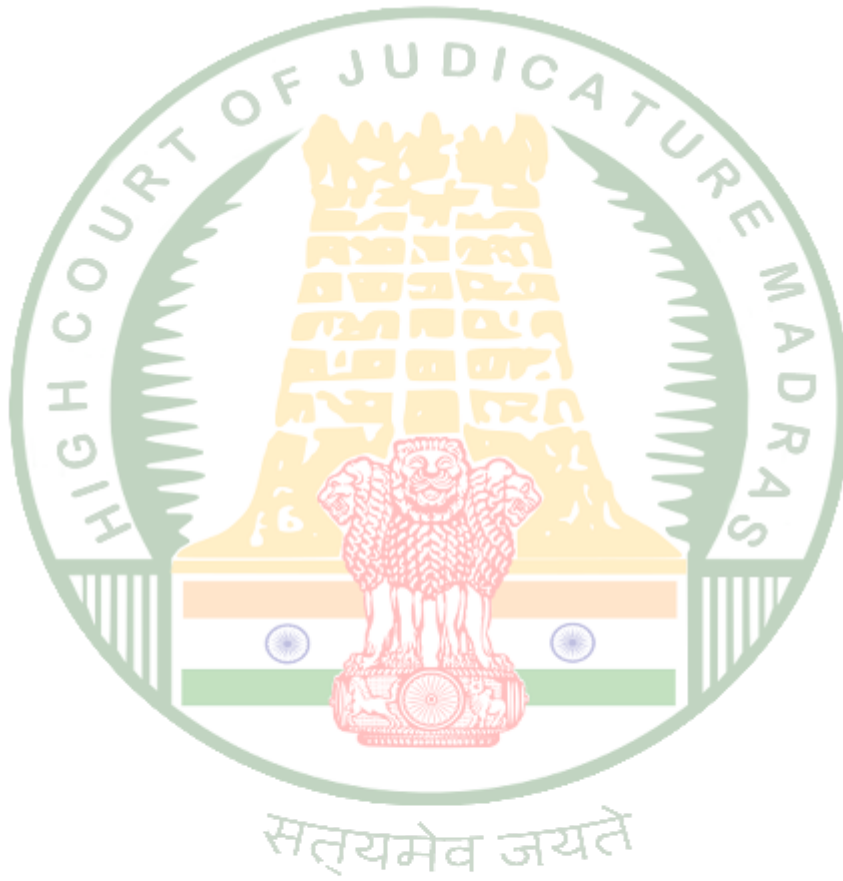
9. Taking into consideration the Status Report filed by the Investigation Officer and also the submissions made by the learned Advocate General and the learned State Public Prosecutor, this Court is inclined to extend the time for filing of the final report. Accordingly, there shall be a direction to the Investigation Officer to complete the investigation and file the final report before the concerned jurisdictional Court within a period of six weeks from today.

Post this case under the caption 'for reporting compliance' on 30.07.2021 at 2.15 p.m.

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