

HCP NO. 3189 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **22-01-2025**

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CORAM

THE HONOURABLE MR JUSTICE S.M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

HCP NO. 3189 of 2024

Gaja Lakshmi
W/o Nagaraj, No.32a/134, Eraneeswaran Koil Street,
Ernavoor, Kattivakkam, Tiruvallur, Tamilnadu -
600057.

Petitioner(s)

Vs

The State Rep By, State Of Tamil Nadu Represented
By Secretary To Government, Home, Prohibition
And Excise Xvi Department, Fort St. George,
Chennai - 600009. and 3 Others

Respondent(s)

For Petitioner(s):

M/s. T.Udayakumar

For Respondent(s):

Mr.R.Muniyapparaj, Additional Public Prosecutor For
R1 To R4.

ORDER

(Order of the Court was made by the Hon'ble S.M.Subramaniam J.)

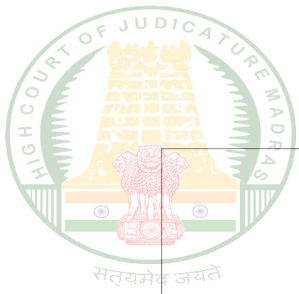
The detention order dated 26.10.2024 is sought to be assailed in the present Habeas Corpus Petition. When the matter is taken up for hearing, the learned counsel for the petitioner would submit that there is a delay in passing the



order is to be set aside.

2. Mr.R.Muniyapparaj, the learned Additional Public Prosecutor would submit that the detainee is classified as A+ category offender and he has involved in 26 previous cases. The details of the previous cases registered are furnished before this Court, which is extracted herein under,





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3. Shockingly the criminal cases registered under Section 302 IPC in the year 2016 and other criminal cases registered in the year 2014 and 2015 are still under investigation. Majority of the cases registered against this A+ category offender is under investigation. If the Police authorities take more than a decade even to complete investigation, this Court is afraid when the trial will be concluded and the offenders will be punished. The criminal justice delivery system must repose confidence on the public, so as to ensure that offenders are punished through due process within a reasonable time. Enormous unexplained delays in completing the investigation, filing charge sheets, and conducting trials, under no circumstances, be approved by the High Court.

4. It is brought to the notice of this Court that numerous criminal cases are



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pending before the Courts and not been taken on file, which requires reconciliation by the Investigating Officers concerned. Furthermore, certain serious lapses on the part of the Police Authorities in pursuing the criminal cases are to be closely monitored by the higher authorities. It is informed to this Court that periodical review is conducted by the Superintendent of Police, Commissioner of Police and other higher authorities. What transpires in such review meetings are to be monitored both by the Director General of Police and by the Principal Secretary to Government, Home Department. These all are the serious lapses, dereliction of duty and negligence on the part of the Investigating Officers or the Police Officers concerned in prosecuting the offenders under the relevant criminal law. These serious lapses would, in the opinion of this Court, undoubtedly embolden the offenders to commit further offences. Therefore, serious action on a war footing basis is required. Any lackadaisical approach by the Investigating Officer or the reviewing authority at the district level should be viewed seriously by the Director General of Police and the Government, so as to ensure confidence of the citizen on the criminal justice delivery system



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5. This Court has come across many cases where investigations are pending for years together. Cases are not taken on file without any valid reason, and trials have been pending for years together. The Witness Protection Scheme, as contemplated under Section 398 of BNSS, is also to be framed by the Government to remove the fear from the minds of witnesses to speak truth before the Courts.

6. In view of the above reasons, we suo motu implead the Director General of Police, Mylapore, Chennai - 600 004, to file an affidavit regarding the actions taken on such lapses, dereliction of duty, and negligence on the part of the investigating officers in dealing with criminal cases and prosecuting offenders.

7. It is necessary that dedicated investigation teams are constituted consisting efficient police officials at Taluk level, District level and State level, who have to conduct investigation in complicated cases and guide the other police officers for conducting proper investigation by adopting technical and scientific procedures. Expertise in the matter of investigation is required in the present



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day situation as the offences being committed by some offenders are complex in nature. Therefore, appointment of dedicated teams at various levels to conduct investigation and monitor the investigation conducted by the Station house officer are of paramount importance. This aspect is also to be looked into by the Government and the Director General of Police.

8. One of the difficulty raised by the learned Additional Public Prosecutor is that, after filing final report by the Police Authorities, the Jurisdictional Courts are taking time for scrutinizing the final report and the documents filed along with it. The said problem is to be addressed. The Judicial Officers are expected to dedicate time for completing this work, since the delay is causing great prejudice to the criminal law delivery system in the State.

9. In this regard, the Judicial officers are to be sensitized, and to scrutinize the charge sheet in a time bound manner and take cognizance or initiate all appropriate actions by following the due procedures as contemplated under law.

10. In the event of any lapses on the part of the Judicial Officers in scrutinizing



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the final report filed or in the event of enormous delay, the Police Department may bring it to the notice of such delay either to the learned Principal District Judge concerned or to the High Court as the case may be for initiation of all further actions to ensure that the process are expedited.

11. Many criminal cases, are not taken on file. The term “not taken on file” is unknown to the Criminal Procedure Code (BNSS). As per Section 210 of BNSS, cognizance of offences by learned Magistrate is to be taken and under Section 213 cognizance of the offences must be by the Court of Sessions. Therefore, the categorization of cases as “not taken on file” itself would be improper. The procedures contemplated under law are to be followed scrupulously.

12. The respondents 1 and 5 are directed to file an affidavit/report with reference to the above serious lapses in conducting investigation, prosecuting the offenders, and regarding framing of Witness Protection Scheme under Section 398 BNSS and other related aspects of the matter.



13. Post the matter on 30.01.2025.

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(S.M.SUBRAMANIAM J.) (M.JOTHIRAMAN J.)

22-01-2025

GD

To

1. The Secretary To Government,
Home, Prohibition And Excise Xvi Department,
Fort St. George,
Chennai - 600009.

2. The Commissioner Of Police
Avadi City.

3. The Superintendent Of Prison
Central Prison Cuddalore,
Cuddalore District.

4. The Inspector Of Police
M-5 Ennore Police Station,
Tiruvallur.

5. The Director General of Police, Mylapore, Chennai - 600 004