

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2015

CORAM

THE HON'BLE MR. JUSTICE R.S.RAMANATHAN

Cr1.O.P.No.11228 of 2014

Selvaraj

.. Petitioner

vs.

The State rep by the
Inspector of Police,
Brammadesam Police Station,
Villupuram District.

... Respondent

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying for a direction to the respondent to transfer the investigation of the FIR in Crime No.453 of 2011, registered on the file of the respondent to any other investigating agency like CBCID or CBI for investigation.

For Petitioner : Mr.K.Balakrishnan

For Respondent : Mr.M.Maharaja

Additional Public Prosecutor

O R D E R

This petition has been filed under Section 482 CrPC, seeking a direction to the respondent to transfer the investigation of the FIR in Crime No.453 of 2011, registered on the file of the respondent to any other investigating agency like CBCID or CBI for investigation.

2. It is admitted by the learned counsel for the petitioner that charge sheet was filed and the same was taken on file in S.C.No.36/2013 on the file of the Assistant Sessions Judge, Tindivanam and the trial has commenced and summons were issued to the witnesses, namely LWS.1 to 10 and due to the pendency of the present petition, the trial has not progressed further. It is further submitted by the learned counsel for the petitioner that the prosecution has failed to get the value of the Proclaim Machine, which was damaged by the accused and therefore, investigation has to be transferred to some other investigating agency like CBCID or CBI.

3. Heard the learned Additional Public Prosecutor.

4. It is admitted that charge sheet was filed and in the charge sheet, it has been stated that Proclain Machiner worth Rs.33 lakhs was damaged by the first accused by pouring petrol and the accused 2 and 3 alleged to have set fire and caused damage to the Proclain. Further, summons were issued to the petitioner and other witnesses. At this stage, the relief sought for by the petitioner cannot be granted.

5. Hence, this Criminal Original Petition is dismissed. It is open to the petitioner to file necessary application before the learned Assistant Sessions Judge, Tindivanam for production of any document.

jvm

-s/d-
Assistant Registrar(CS-III)
Dt:3/3/2015

True Copy

Sub-Assistant Registrar

To

1. The Assistant Sessios Judge,
Tindivanam.
2. Inspector of Police,
Brammadesam Police Station,
Villupuram District.
3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.K.Balakrishnan, Advocate SR 6176

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prk5/3

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