

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.08.2015

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.21707 of 2015
and MP.No.1 of 2015

P.Meenambal

... Petitioner

Vs

State rep by

1.The Superintendent of Police,
Namakkal District,
Namakkal.

2.The Inspector of Police,
Pallipalayam Police Station,
Pallipalayam, Namakkal District.

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying to direct the 1st respondent to further
investigate/reinvestigate in the rank of an officer like Deputy
Superintendent of Police and to unearth the above concealed three
vital documents.

For Petitioner : Mr.Babu Muthu Meeran

For Respondents : Mr.C.Emalias, Addl. Public Prosecutor

O R D E R

This petition has been filed to direct the 1st respondent to
further investigate/reinvestigate in the rank of an officer like
Deputy Superintendent of Police.

2. Heard the learned counsel for the petitioner; learned
Additional Public Prosecutor for the respondents and perused the
materials placed on record.

3. This petition has been filed to transfer the investigation
in crime No.985 of 2012 to the officer of the rank of Deputy
Superintendent of Police on the ground that the 2nd respondent
police have not properly investigated the case. The petitioner is
the mother of the deceased.

4. Learned Additional Public Prosecutor submits that nine
witnesses have been examined and most of them have turned hostile
and thereafter, this petitioner has come forward with this transfer
application only to protract the trial.

5. Mr.Babu Muthu Meeran, learned counsel for the petitioner submitted that in the seizure mahazar dated 26.07.2012 the following documents are referred to:

- (1)Tata Safari light gold colour car Reg No.TN 28 AB 1995.
- (2)HDFC Bank Cheque No.431510 signed by Suman.
- (3)Bond paper worth Rs.10,00,000/- signed by Suman.
- (4)Deceased Rajendran's Acqua life altra slippers 2 nos.

[Sl.Nos.2 to 4 submitted by the
Inspector of Police are seized
from the car of the deceased]

and that item Nos.2 and 3 have not been submitted to the court and therefore, the Investigating Officer has not properly investigated the case.

6. Learned Additional Public Prosecutor fairly brought it to the notice of the court that item Nos.2 and 3 were produced before the learned Judicial Magistrate, Tiruchengode, but they were returned to the police to be kept in safe custody. Unfortunately, the police forgot about it and did not file it along with the final report.

7. Under such circumstances, this Court directs the 2nd respondent police to submit those documents to the Trial Court and the Trial Court shall furnish copies of the same to the accused and take them on file. If necessary, the seizure witnesses may be recalled for the purpose of marking the said documents.

With the above direction, this petition is closed.
Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police,
Namakkal District, Namakkal.

2.The Inspector of Police,
Pallipalayam Police Station,
Pallipalayam, Namakkal District.

3.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.Babu Muthu Meeran, Advocate Sr.4655

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EU 08.09.15