

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.04.2015

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.814 of 2015

Mrs.N.Vasantha

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Petitioner

Vs

1.The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai.

2.The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
Mylapore, Chennai.

3.The Inspector of Police,
J-4, Kotturpuram Police Station,
Kotturpuram, Chennai - 600 085.

Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to transfer the case on the file of the third respondent to that of CB CID to further investigate the case registered in Crime No.299 of 2014 and to cull out the truth without being influenced by the earlier investigation conducted by third respondent and forward the CB CID investigation report to this Court for suitable action.

For Petitioner :Mr.K.Ashok Chakravarthy

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

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ORDER

Seeking to transfer the case on the file of the third respondent to that of CB CID to further investigate the case registered in Crime No.299 of 2014 and to cull out the truth without being influenced by the earlier investigation conducted by third respondent and forward the CB CID investigation report to this Court for suitable action, the petitioners have come up with this petition.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3.It is submitted by the learned Additional Public Prosecutor appearing for the respondents that the third respondent has filed a counter wherein, in paragraph No.8, it has been stated as follows:-

"8.It is submitted that so far we have conducted the investigation in a fair, free and impartial manner in accordance with law. All the mandatory provisions have been complied by the respondent police during the course of the investigation. The respondent police registered the case, investigated and after completion of the investigation, the case was registered as "Further Action Dropped" and final report was also submitted before the concerned Tahsildar in accordance with law. Hence, at this stage, there is no necessity to transfer the investigation in respect of Crime No.299/2014 to CBCID as prayed by the petitioner in her petition."

4.It is seen that the report of the Tahsildar has not reached the jurisdictional Court and therefore, the petitioner is seriously handicapped. Under such circumstances, the Tahsildar, Guindy is directed to send the report in Crime No.299 of 2014 to the learned XVIII Metropolitan Magistrate, Saidapet, Chennai and on receipt of the report, the learned Magistrate concerned shall issue notice to the petitioner, and on such notice, the petitioner will be entitled to file a protest petition as per the law laid down in Vinay Tyagi v. Irshad Ali (2013 (5) SCC 762).

5.With the above direction, the Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jbm

To

1.The XVIII Metropolitan Magistrate, Saidapet, Chennai

2.The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai.

3.The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
Mylapore, Chennai.

4.The Inspector of Police,
J-4, Kotturpuram Police Station,
Kotturpuram, Chennai - 600 085.

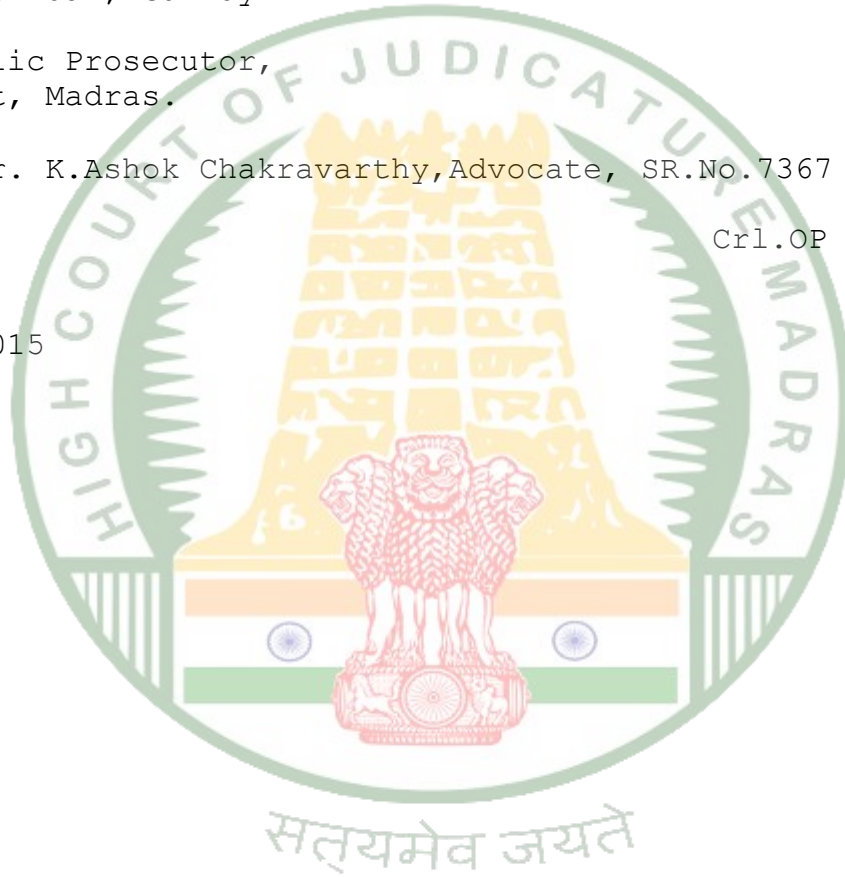
5.The Tahsildar, Guindy

6.The Public Prosecutor,
High Court, Madras.

1 cc to Mr. K.Ashok Chakravarthy, Advocate, SR.No.7367

Crl.OP No.814 of 2015

ssi(co)
pmk.7.5.2015



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