



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :26.03.2015

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THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.O.P. (MD)No.2182 of 2015
and M.P. (MD)No.1 of 2015

Sekar

..Petitioner

Vs

- 1.The Secretary to Government of Tamil Nadu,
Home Department,
Fort. St. George,Chennai-9.
- 2.The Director General of Police,
Chennai-9.
- 3.The Addl. Director General of Police,
Law & Order,Chennai-4.
- 4.The Inspector General of Police,
Central Zone,Tiruchy.
- 5.The Superintendent of Police,
Vayalur Road,Tiruchy District.
- 6.The Deputy Superintendent of Police,
Lalgudi Sub-Division,
Tiruchy District.
- 7.The Inspector of Police,
Samayapuram Police Station,Trichy.
- 8.Thiru.Ashokan,
The Deputy Superintendent of Police,
Lalgudi Sub-Division,
Tiruchy District.
- 9.The Inspector of Police,
CBCID, Trichy.

..Respondents

Prayer: Petition filed under Section 482 of Cr.P.C., to transfer the investigation in Cr.No.185 of 2014 pending on the file of the seventh respondent to ninth respondent.

For Petitioner : Mr.N.R.Elango
Senior Counsel for Mr.S.Ravi

For Respondents : Mr.K.Anbarasan
Govt. Advocate

ORDER

The petitioner seeks direction towards transfer of investigation in Cr.No.185 of 2014 pending on the file of the seventh respondent/The Inspector of Police, Samayapuram Police Station to the ninth respondent/The Inspector of Police, CBCID.

2.The submissions made by the learned Senior counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondents were heard. The materials available on record were also perused.

3.The case in Cr.No.185 of 2014 on the file of the seventh respondent has been registered under Sections 147, 148, 294(b), 341, 324, 302 IPC r/w 3(1) of TNPPDL Act 1984 and arises out of a gruesome occurrence on 29.06.2014 at about 1.00 a.m., resulting in the death of one person. The



affidavit of the petitioner in paragraph 10 reads thus:-

"10.I submit that in the local body elections, one Lasmipathi contested against me and he belong to Hindu Kallar community and indulged in various illegal activities. The eighth respondent Asokan, D.S.P also belongs to same community and both of them are close friends' right from their college days. The deceased Ambikapthy and his junior paternal uncle Kumar also indulged in illegal activities and they are under the mercy of the police people."

4. The affidavit of the 6th respondent, the present Deputy Superintendent of Police, Lalgudi Sub Division, Trichy District informs of completion of investigation and approval of the charge-sheet by the Additional Public Prosecutor, Trichy. While stating that an unbiased investigation has been conducted, it informs of the petitioner having made bald allegations against the then Deputy Superintendent of Police, the eighth respondent.

5. The affidavit of the 7th respondent, the investigating officer also informs of investigation having proceeded upon on proper lines and that the petitioner had made bald allegations against the then Deputy Superintendent of Police, the eighth respondent. As against such contentions of the respondents 6 & 7, the affidavit of 8th respondent informs of investigation having been conducted on proper lines and under his supervision.

6. Therefore, when the 6th and 7th respondents the current Deputy Superintendent of Police of the Division and the investigating officer, find reason to deny the involvement of the eighth respondent against whom allegations are made by the petitioner in the investigation and such very 8th respondent himself informs of investigation having been done under his supervision then it becomes necessary to transfer the investigation as prayed for.

7. Accordingly, this petition shall stand allowed and the case in Cr.No.185 of 2014 is transferred from the file of the seventh respondent to ninth respondent. Ninth respondent shall complete the investigation as expeditiously as possible.

Sd/-

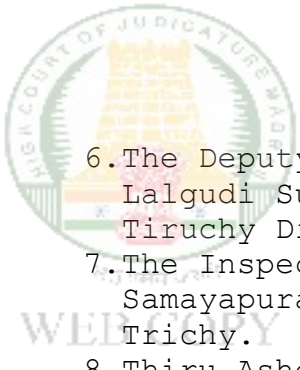
Assistant Registrar(T&P)

/True Copy/

Sub- Assistant Registrar

To

- 1.The Secretary to Government of Tamil Nadu,
Home Department, Fort. St. George,
Chennai-9.
- 2.The Director General of Police,
Chennai-9.
- 3.The Addl. Director General of Police,
Law & Order, Chennai-4.
- 4.The Inspector General of Police,
Central Zone, Tiruchy.
- 5.The Superintendent of Police,
Vavalur Road, Tiruchy District.



- 6.The Deputy Superintendent of Police,
Lalgudi Sub-Division,
Tiruchy District.
- 7.The Inspector of Police,
Samayapuram Police Station,
Trichy.
- 8.Thiru.Ashokan,
The Deputy Superintendent of Police,
Lalgudi Sub-Division,
Tiruchy District.
- 9.The Inspector of Police,
CBCID, Trichy.
- 10.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.Ravi, Advocate in SR.No. 15120

sm:10.04.2015:3P/12C

Cr1.O.P. (MD) No.2182 of 2015
26.03.2015