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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Crl.O.P. (MD)No.22895 of 2014

Jeeva

... Petitioner

Vs.

- 1.The Director General of Police,
Chennai.
- 2.The Inspector General of Police,
South Zone, Madurai.
- 3.The Superintendent of Police,
Railway Police, Trichy Range.
- 4.The Deputy Superintendent of Police,
C.B.C.I.D., Dindigul.
- 5.The Inspector of Police,
Railway Police Station,
Dindigul.
(in Crime No.57 of 2014)

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent to withdraw the case in Crime No.57 of 2014 from the file of the fifth respondent and transfer the same to the file of the fourth respondent with direction to conduct further investigation within the period that may be stipulated by this court.

For Petitioner : Mr.R.Gandhi

For Respondents : Mr.K.Anbarasan

Government Advocate (Crl. Side)

ORDER

Seeking a direction to transfer the case in Crime No.57 of 2014 from the file of the fifth respondent to the the file of the fourth respondent, the petitioner has come up with this petition.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondents and perused the records.

3. The petitioner is the defacto complainant being the co-brother of the deceased in Crime No.57 of 2014, on the file of the fifth respondent. The learned counsel for the petitioner submitted that the complaint clearly makes out an offence under Section 300 of IPC, specific averments have been made, which has been stated that there was



an anti-mortem injuries, both abrasion and cut injuries and also the mobile phone of the deceased was found in broken stage at far away place from the railway station. Despite the same, the case has been registered under Section 174 Cr.P.C. and no accused has not been identified.

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4. Based on the counter, the learned Government Advocate (Crl. Side) submitted that the investigation is being done, no accused has been fixed. Though the complaint is pending more than one year, the fifth respondent still struggling to close the case. The allegations shows the specified persons it also shows about the cut injuries.

5. Considering the same this court is inclined to direct the fifth respondent to transfer the investigation in Crime No.57 of 2014, to the file of the fourth respondent, within four weeks from the date of receipt of a copy of the order.

6. This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar(Crl.Side)

\\True copy\\

Sub Assistant Registrar

To

- 1.The Director General of Police,Chennai.
- 2.The Inspector General of Police,South Zone, Madurai.
- 3.The Superintendent of Police,Railway Police, Trichy Range.
- 4.The Deputy Superintendent of Police,C.B.C.I.D., Dindigul.
- 5.The Inspector of Police, Railway Police Station, Dindigul.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

pjl

akm/22.07.15 /2p-7c/

Crl.O.P. (MD) No.22895 of 2014