



first respondent to withdraw the case in Crime No.721/2008 on the file of the second respondent and transfer the same to the third respondent, investigate the same and to file final report in accordance with law.

For Petitioners in all cases : Mr.S.M.Subramaniam

For Respondents in all cases : Mr.K.Anbarasan

Government Advocate (Crl. Side)

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C O M M O N O R D E R

The petitioner in ***Crl.O.P. (MD) .Nos.2619/14** and 3928/14 is the same person and he is said to be an advocate. The petitioner in these two Criminal Original Petitions is said to be a friend of the petitioner in Crl.O.P.(MD).No.2619 of 2014. Three cases have been registered at the instances of the petitioners in these cases in Crime Nos.1304/2010, 721/2008 and 1731/2010 respectively. On completion of the investigation, the complaint given by the petitioners in all these cases were closed on the negative reports. The petitioners filed protest petition. Thereafter the learned Judicial Magistrate No.II, Nagercoil has ordered for further investigation in these cases. Not satisfied with the same, the petitioners have come forward to file the present petitions, seeking transfer to CBCID.

2. Heard the learned counsel for petitioners and the learned Government Advocate (Crl. Side) appearing for the respondents and perused the materials available on record.

3. The learned counsel for the petitioner submitted that on a similar prior occurrence, the matter was referred to CBCID. He further submitted that as the petitioner in Crl.O.P.(MD).Nos.2619 and 3928/2014 is an advocate, it will be proper to transfer it to CBCID.

4. The learned Government Advocate (Crl. Side) based on the status report filed, submitted that there is no necessity to transfer the cases as the petitioners have devoid on merit.

5. A perusal of the orders passed by the learned Judicial Magistrate No.II, Nagercoil would show that specific directions have been issued to conduct further investigation and file final reports in these cases.

6. Insofar as the Crl.O.P(MD).No.3928/14 is concerned, it appears that with respect to the connected complaint given in Crime No.288/08 and the learned Judicial Magistrate No.II, Nagercoil has already passed an order to transfer the investigation to CBCID. As Crime No.721/08 is the subject matter of Crl.O.P.(MD).3928/14 has got a bar in being connected to Crime No.288/08, which is pending before the CBCID. Therefore, a direction is issued to the second respondent to transfer the investigation in Crime No.721/2008 to the Inspector of Police, CBCID, Nagercoil, Kanyakumari District and thus Crl.O.P.(MD).No.3928 of 2014 is disposed of.

7. Insofar as the other two cases ***Crl.O.P. (MD) .Nos.2619/2014** and 3655/2014 are concerned they stand on different footing. There is no connected cases which are pending before the CBCID. The learned Judicial Magistrate already passed a judicial order, seeking further investigation from the official respondents. Therefore this court is not inclined to



modify the said order without there being any challenge to it.

8. However, considering the facts and circumstances of the case, particularly the fact that there is no substantial development after the order passed by the learned Judicial Magistrate No.II, Nagercoil, as seen in the status report filed, a direction is issued to the third respondent/the Inspector of Police, Kottar Police Station, Kottar, Nagercoil, Kanyakumari District, to file the Final Report in Crime Nos.1304/2010 and 1731/2010 in ***Cr1.O.P. (MD) .Nos.2619/2014** and 3655/2014 respectively, within a period of four months from the date of receipt of a copy of this order. The first respondent/The Superintendent of Police, Kanyakumari District, Nagercoil, is directed to monitor and supervise the investigation.

9. Accordingly, ***Cr1.O.P. (MD) .No.2619/2014** and Cr1.O.P. (MD) .No 3655/2014 are dismissed with the above directions.

Sd/-

Assistant Registrar (WSrits)

/True Copy/

Sub Assistant Registrar

PJL

To

To be corrected Order issued

1. The Judicial Magistrate No.II, Nagercoil,
2. The Superintendent of Police,
Kanyakumari District, Nagercoil.
3. The Deputy Superintendent of Police,
District Crime Branch,
Kanyakumari District, Nagercoil.
4. The Inspector of Police,
Kottar Police Station,
Kottar, Nagercoil, Kanyakumari District.
5. The Inspector of Police,
CBCID Branch, Nagercoil,
Kanyakumari District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
+3CC to Mr.S.M.Subramaniam Advocate SR.No.41326, 41324, 41327

Cr1.O.P. (MD) Nos.2619,3928 and 3655 of 2014

Dated: 24.07.2015

GJM 23.9.15-3P/10C