

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Cr1.O.P.No.10580 of 2015

Balamani

S/o.Krishnaswamy

.. Petitioner/Complainant

Vs.

1.The Commissioner of Police
Tirupur District, Tirupur

2.The State of Tamil Nadu
Rep by Inspector of Police
North Police Station, Tirupur
Tirupur District

.. Respondents

Prayer:

Criminal Original Petition is filed under Section 482 of Cr.P.C., to transfer the investigation in Crime No.612 of 2014 on the file of the 2nd respondent Tirupur North Police Station to CBCID or any other agency and conduct a impartial investigation and file the final report within the stipulated time.

For Petitioner : Mr.M.Devaraj

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

O R D E R

Even though this Court by an order dated 07.04.2016 had directed directing the first respondent viz., The Commissioner of Police, Tirupur to appear before the Court today along with the second respondent viz., Inspector of Police, North Police Station, Tirupur, the first respondent had filed an affidavit seeking to dispense with his personal appearance. Being satisfied with the averments made in the affidavit, the personal appearance of the first respondent is dispensed with.

2. The petitioner has come forward with the present

petition seeking to transfer the investigation in Crime No.612 of 2014 on the file of the 2nd respondent Tirupur North Police Station to CBCID or any other agency and conduct a impartial investigation and file the final report within the stipulated time.

3. The learned counsel appearing for the petitioner would submit that though the case in Crime No.612 of 2014 has been registered on 07.05.2014 for the offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii) , 279 and 337 of IPC, the respondent has not registered the case for the offence punishable under Section 307 IPC, even though the said provision is attracted. So, the petitioner apprehends that the respondent would not investigate the matter in proper direction and hence, he seeks to transfer the investigation from the file of the 2nd respondent to CBCID or any other agency.

4. Today the learned Additional Public Prosecutor had filed the status report before the Court which shows that already six witnesses have been examined. Further, the learned Additional Public Prosecutor would submit that the investigation is going on in proper direction and prayed for dismissal.

5. Considered the rival submissions made by both sides and perused the typed set of papers.

6. It is an admitted fact that the alleged incident took place on 07.05.2014 and the case has been registered on the very same date. However, only six witnesses have been examined so far and no one has been arrested till date. A perusal of the FIR would reveal that the weapon used in the alleged incident is an iron rod. Thus, the ingredients of Section 307 IPC has been made out. It is also a well settled dictum of the Hon'ble Apex Court that the injuries is not mandatory to constitute an offence under Section 307 IPC. सत्यमेव जयते

7. Considering all the above aspects, I am of the view that it is a fit case to give direction to The Commissioner of Police, Tirupur District to monitor the investigation done by the second respondent, as it will meet out the demand of the petitioner. Further, the second respondent is directed to re-examine the witnesses and file a final report under proper provision of law, within a period of three months from the date of receipt of a copy of this order.

8. The Criminal Original Petition is disposed of with the above direction.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

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To

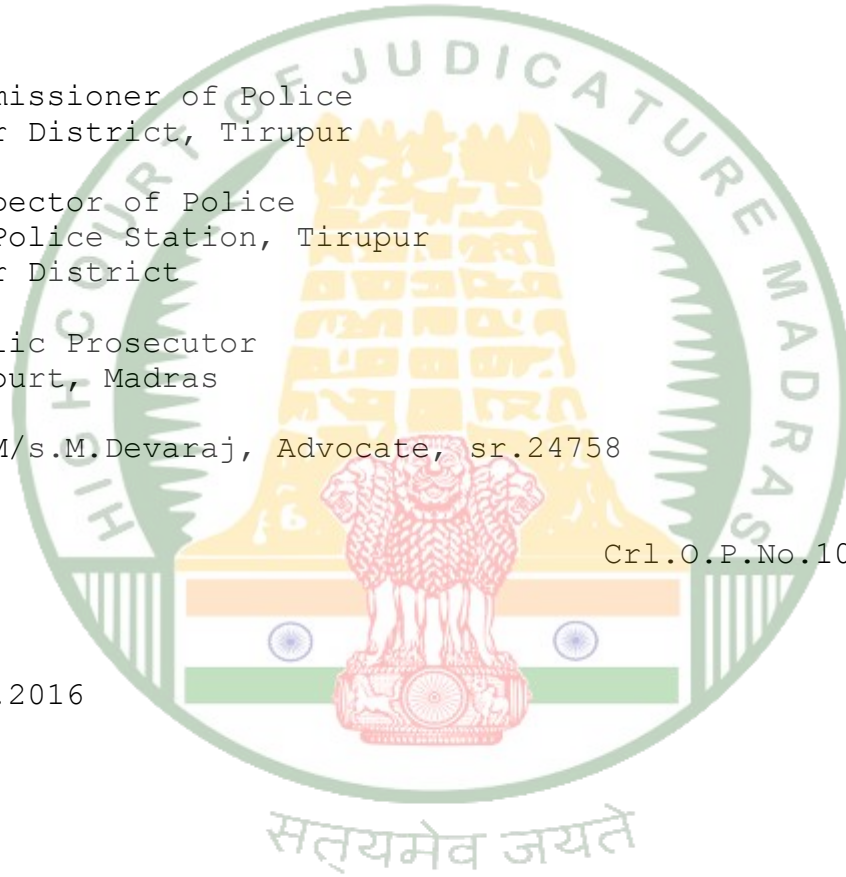
- 1)The Commissioner of Police
Tirupur District, Tirupur
- 2.The Inspector of Police
North Police Station, Tirupur
Tirupur District

- 3)The Public Prosecutor
High Court, Madras

+1 cc to M/s.M.Devaraj, Advocate, sr.24758

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