

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Cr1.OP No.30167 of 2015

Jagadeesan

... Petitioner

Vs

State rep. by  
The Inspector of Police,  
Guduvancherry Police Station,  
Kancheepuram District.

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to transfer the investigation to some other Independent Investigation Agency either to C.B.C.I.D. or C.B.I. for further or for re-investigation pending in P.R.C.No.37 of 2014 on the file of the learned Judicial Magistrate No.II, Chengalpet.

For Petitioner : Mr.T.R.Ravi

For Respondents : Mr.C.Emalias  
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to transfer the investigation to some other Independent Investigation Agency either to C.B.C.I.D. or C.B.I. for further or for re-investigation pending in P.R.C.No.37 of 2014 on the file of the learned Judicial Magistrate No.II, Chengalpet.

2. The petitioner herein has been arrayed as A12 in this case. A complaint was given by one Kamalakannan, Son of Perumal to the respondent alleging that on 18.02.2014 at about 3.30 pm, his father was attacked by some unknown persons with knife and in which the petitioner's father sustained injury

and died on the spot. The alleged place of occurrence is Vallancherry Junction near G.S.T. Road. In the very same occurrence, one Ashok and Palani also sustained injuries. Hence a case was registered under section 307 and 302 of IPC in Crime No.167 of 2014. On completion of investigation, the respondent filed charge sheet against 18 persons under section 147, 148, 326, 307, 302 and 149 IPC in which the petitioner has been cited as accused No.12. The case is pending in P.R.C.No.37 of 2014 for committal before the Judicial Magistrate No.II, Chengalpet.

3. It is alleged in the charge sheet that the deceased Perumal was elected as a Village President at Oorapakkam Village two times and his wife was elected once. The petitioner contested against the deceased and got defeated. Therefore on suspicion, that since the petitioner lost the election against the deceased, he was included in this case on the allegation that the petitioner conspired for the above said offence.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

5. When the matter was taken up for consideration, the learned counsel for the petitioner submitted that there is no material as against this petitioner to implicate him as an accused in this case. The respondent police has not investigated the case in proper manner and the investigation was done in hasty manner and the petitioner was added as an accused without any basis. Hence, the petitioner has come forward with the present petition. Further the learned counsel for the petitioner relied upon the judgment delivered by this Court in a Revision Petition reported in 2015(2) Law Weekly (Criminal) 241 in support of his contention.

6. The Additional Public Prosecutor submitted that the investigation in this case has been completed and the charge sheet has also been filed and the case is pending for committal and thus sought for dismissal of this petition.

7. Considering the submissions made on either side, I find that except bald and baseless averments, no case has been made out by the petitioner. Further, the judgment relied on by the petitioner in the Revision Case is totally on different footing. Therefore, the said judgment cannot be relied upon by the petitioner in support of his contention. Hence, as no valid ground for transfer has been made out by the petitioner,

I am not inclined to entertain this petition and the petition is liable to be dismissed.

8. Accordingly, this Criminal Original Petition is dismissed.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vrc

To:

1. The Judicial Magistrate No.II,  
Chengalpet.
2. Through The Chief Judicial Magistrate,  
Chengalpet.
3. The Inspector of Police,  
Guduvancherry Police Station,  
Kancheepuram District.
4. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.T.R.Ravi, Advocate, S.R.No.1016

Cr1.OP No.30167 of 2015

KK(CO)  
CA(20/01/2016)

सत्यमेव जयते

WEB COPY