

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.09.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.OP.No.19622 of 2016

and Cr1.MP.No.9200 of 2016

N.Muthu Ganesan Petitioner

Vs

1.The Inspector General of Police,
West Zone,
Coimbatore.

2.The Superintendent of Police,
Tiruppur District,
Tiruppur.

3.The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.
Crime No.656 of 2016

4.The Superintendent of Police,
CBCID, Tiruppur Unit,
Tiruppur,
Tiruppur District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondents 1 and 2 to withdraw the case file in Crime No.656 of 2016 from the file of the 3rd and transfer the same to the 4th respondent for fair investigation in Crime No.656 of 2016.

For Petitioner : Mr.N.Manokaran
For Respondents : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking a direction to the respondents 1 and 2 to withdraw the case in Crime No.656 of 2016 from the file of 3rd respondent and transfer the same to the file of 4th respondent for fair investigation.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor for the respondents.

3. The fact remains that main accused Muruganantham [A3] and Senthil Kumastha [A4] in Crime No.656 of 2016 have been arrested and remanded to judicial custody.

4. The learned counsel for the petitioner submitted that there are other persons who are also involved in this case, but have not been brought to justice.

5. Under such circumstances, this Court is of the view that this is not a fit case to transfer. However, the Superintendent of Police, Tiruppur is directed to monitor the investigation and take action in accordance with law. The Superintendent of Police, Tiruppur is also directed to look into the aspect and issue necessary direction to the respondent-Police and bring to justice all those who are involved in the offence.

6. It is further brought to the notice of this Court that these accused are involved in C.C.No.113 of 2011 and C.C.No.207 of 2012, which are pending on the file of the Judicial Magistrate, Dharapuram and Non-bailable warrants are pending against them.

7. The respondent Police is directed to bring it to the notice of the learned Judicial Magistrate, Dharapuram that Senthil Kumastha and Muruganandham have been arrested and executed Non-bailable warrant against them by effecting formal arrest in the jail, in respect of C.C.No.113 of 2011 and C.C.No.207 of 2012. The learned Judicial Magistrate, Dharapuram, is also directed to monitor the investigation in Crime No.656 of 2016 as held in Sakiri Vasu Vs. State of Uttar Pradesh & Others - [2008] 2 SCC 409.

With the above direction, this Criminal Original Petition is closed. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

ds
To:

1.The Inspector General of Police,
West Zone, Coimbatore.

2.The Superintendent of Police,
Tiruppur District,
Tiruppur.

3.The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.
Crime No.656 of 2016

4.The Superintendent of Police,
CBCID, Tiruppur Unit,
Tiruppur,
Tiruppur District.

5.The Judicial Magistrate,
Dharapuram.

6.The Public Prosecutor
High Court, Madras.

+2 CC to M/s. N. Manokaran, Advocate Sr.No.55122

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PPA (CO)
MD : 21/10/2016