

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.2714 of 2016
and Crl.M.P.No.1427 of 2016

Satheeshkumar

.. Petitioner

Vs.

1. The Inspector of Police,
G1 Maduranthagam Police Station,
Kancheepuram District
(Crime No.52 of 2016)

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

.. Respondents

Prayer:-Criminal Original Petition is filed under Section 407 Cr.P.C., to transfer the investigation of the above case in Crime NO.52 of 2016 from the file of the Inspector of Police, G1 Maduranthagam Police Station, Kancheepuram District to the file of CB CID, Chennai or to any other investigating agency having competent jurisdiction to investigate the matter for proper investigation and report.

For Petitioner : Mr.R.S.Mohan

For Respondents : Mr.C.Emalias

Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition under Section 482 of Code of Criminal Procedure, seeking for direction, directing the second respondent to transfer the investigation on the file of the first respondent to any other investigating agency stating that on the basis of the complaint given by the defacto complainant, viz., Nirmala on 18.01.2016, a case in Crime No.52 of 2016 for the alleged offences punishable under Sections 147, 148, 341, 336, 324 and 307 IPC that when her son has returned from College in the evening, while he was getting down from the bus, due to prior enmity, the accused persons joined together and caused fatal injuries to her son. On the basis of the complaint given by the defacto complainant, a case has been registered against three named accused persons.

2. Heard the submissions made by the learned counsel appearing on either side.

3. Learned counsel for the petitioner would submit that the petitioner was arrayed as A6. He would also submitted that his name has not been find place in the FIR but he was implicated on the basis of the confession statement given by the main accused Karthik. He further submitted that the confession statement has been recorded by one Ravichandran, Inspector of Police, Maduranthagam Police Station but whereas it was signed by another Inspector of Police, namely, Radhakrishnan and so, the confession statement itself is not valid under law. So, the petitioner apprehends that the first respondent has not properly investigating the matter. Hence, he pray for transfer of investigation.

4. Learned Additional Public Prosecutor would submitted subsequent to the death of the injured, the first respondent police altered the offence and the case has been registered under Sections 147, 148, 341, 323, 324, 307, 302 IPC r/w. Section 3(2)(v) of the SC/ST (POA) Act, 1989 and the Deputy Superintendent of Police, Maduranthagam has investigating the case. He further submitted that the investigation is going on and there is no necessity for transferring the investigation.

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

6. It is true that on the basis of the complaint given by the defacto complainant, a case has been registered wherein name of the petitioner was not mentioned. But whereas during the investigation on the basis of the confession statement given by A1, the petitioner was implicated as A6. The main reason for apprehension in the mind of the the petitioner is that the confession statement has been recorded by one Inspector of Police but it was signed by another Inspector of Police. It is the duty of the Court to dispel the suspicion at the mind of the accused. Further, subsequent to the alteration of the offence, the Deputy Superintendent of Police, Maduranthagam has investigating the case. In such circumstances, I am of the view that the Deputy Superintendent of Police, Maduranthagam is directed to investigate the matter in a correct direction and file a final report as early as possible.

7. The Criminal Original Petition is disposed of with the above direction. Consequently, connected miscellaneous petition is closed.

cse

-s/d-

Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
G1 Maduranthagam Police Station, Kancheepuram District.
2. The Superintendent of Police,
Kancheepuram District, Kancheepuram.
3. The Public Prosecutor, High Court, Chennai.

Copy to:

The Deputy Superintendent of Police,
Maduranthagam, Kancheepuram District.

+ 1 cc to Mr.B.Kumarasamy, Advocate, SR 8695

+ 1 cc to Mr.R.S.Mohan, Advocate, SR 8313

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