

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.5655 of 2016

Ponnurangam

.. Petitioner

Vs

1. The Director General of Police,
Mylapore, Chennai-600 004.
2. The Superintendent of Police,
North Zone, CBCID, Chennai.
3. The Deputy Superintendent of Police
Investigating Officer, CBCID, CC Wing,
Chennai.

..Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent to constitute a Special Investigation Team and transfer the investigation of the case in Crime No.1105 of 2011 from the file of the DSP, CBCID, CC Wing, Chenani to the said Special Investigation Team or to the Central Bureau of Investigation or any to other authority to thoroughly and fully investigate the murder of the petitioner's son S.Saravanan under the constant monitoring and Supervision of this Hon'ble Court.

For Petitioner : Mr.W.M.Abdul Majeed

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

O R D E R

This petition has been filed to direct the respondent to constitute a Special Investigation Team and transfer the investigation of the case in Crime No.1105 of 2011 from the file of the DSP, CBCID, CC Wing, Chenani to the said Special Investigation Team or to the Central Bureau of Investigation or any to other authority to thoroughly and fully investigate the murder of the petitioner's son S.Saravanan under the constant monitoring and Supervision of this Hon'ble Court.

2. It is seen that the investigation in Crime No.1105 of 2011 has been conducted by the CBCID and a closure report has been filed before the Judicial Magistrate No.I, Thiruvallur. The Judicial Magistrate No.I, Thiruvallur has sent a report dated 04.04.2016 wherein it stated as follows:

"I further humbly submit that the Charge Sheet was defective in nature and hence notice was not issued to the defacto complainant. The memorandum of defects in charge sheet was prepared and informed to the police, since the Charge Sheet cannot be returned. The police orally represented that the original alteration report was filed before Tahsildar Ambattur and the same was not returned by them to this Court. On 29.02.2016, the copy of the letter addressed by the DSP, CBCID to Tahsildar Ambattur seeking to furnish the section alteration report which was originally filed by the police before him was submitted before this Court. Because of the defects in the referred Charge Sheet this Court is not in a position to proceed further. Intimation given to police to comply the defects as early as possible. I humbly submit this report for your Honour's kind perusal and consideration."

3. Learned counsel appearing for the petitioner submitted that the petitioner has also filed protest petition before the Judicial Magistrate No.I, Thiruvallur, which is pending. The CBCID is directed to comply with the defects that have been pointed out by the learned Judicial Magistrate No.I, Thiruvallur in the report dated 04.04.2016, if the same have not yet been complied with. The Judicial Magistrate No.I, Thiruvallur is directed to proceed with the protest application in accordance with the law laid down by the Supreme Court in Vinay Tyagi VS. Irshand Ali [2013 (5) SCC 762].

With the above direction, this petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

1.The Director General of Police,
Mylapore, Chennai-4.

2.The Superintendent of Police,
North Zone, CBCID,
Chennai.

3.The Deputy Superintendent of Police,
Investigating Officer,
CBCID, CC Wing, Chennai.

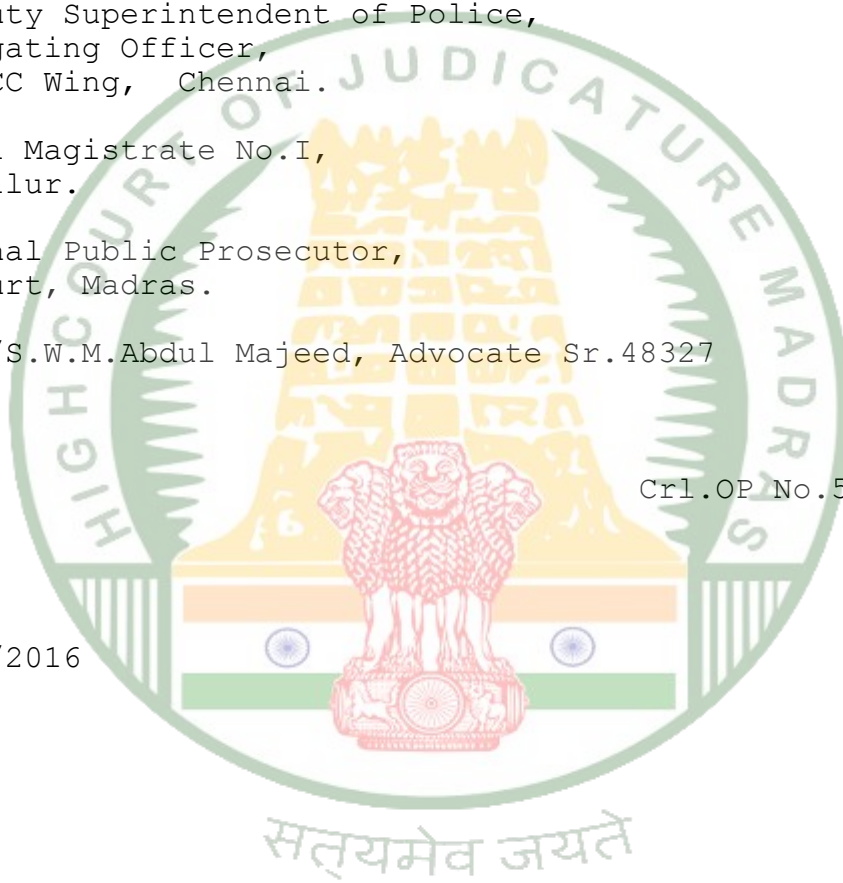
4.Judicial Magistrate No.I,
Thiruvallur.

5.Additional Public Prosecutor,
High Court, Madras.

+1cc to M/S.W.M.Abdul Majeed, Advocate Sr.48327

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srg 08/09/2016



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