

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

WP No.36847 of 2016

A.I.John Chandraprakasam ... Petitioner

Vs

1. State of Tamil Nadu,
Rep. by its Chief Secretary to Government,
Fort St.George, Chennai-9.
2. The Principal Secretary to Government,
Home Department, Government of Tamil Nadu,
Fort St.George, Chennai-9.
3. The Director General of Police,
Chennai-4.
4. The Central Bureau of Investigation (CBI)
Rep. by its Additional Director,
Chennai Zone, 3rd Floor, EVK Sampath Building,
Chennai-6.
5. The Superintendent of Police,
Thiruvallur, Thiruvallur District.
6. The Inspector of Police,
T-7, Tank Factory Police Station,
Avadi, Thiruvallur District. ... Respondents

Prayer: Petition filed under Section 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents 1 and 2 to transfer the investigation in Crime No.347 of 2015 on the file of the 6th Respondent to the 4th Respondent - Central Bureau of Investigation (CBI) and to investigate afresh the same.

For Petitioner : Mr.S.Arunkumar

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

ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 and 2 to transfer the investigation in Crime No.347 of 2015 on the file of the 6th Respondent to the 4th Respondent - Central Bureau of Investigation (CBI) and to investigate afresh the same.

2. Today, when the matter was taken up for hearing, learned Additional Public Prosecutor submitted that the investigation in Cr.No.347 of 2015 was completed and the closure report has been filed before the Tahsildar, Ambattur.

3. Under such circumstances, the Tahsildar, Ambattur, is directed to take photocopies of all the records and transmit the original records to the Judicial Magistrate, Ambattur, within four weeks from the date of receipt of a copy of this order. On such transfer, the petitioner is entitled to approach the Judicial Magistrate, Ambattur and file a protest application and on such application being made, the same shall be dealt with in accordance with law as laid down by the Supreme Court in Vinay Tyagi Vs Irshad Ali reported in 2013 [5] SCC 762.

With the above directions, the Writ Petition is closed.
No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

kmi

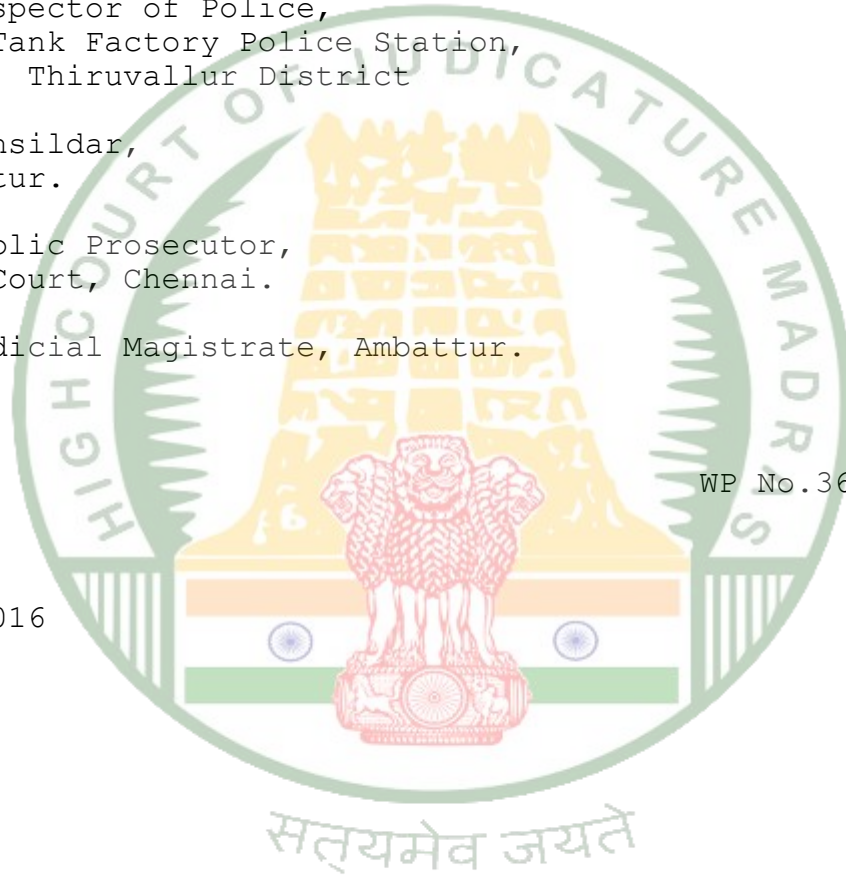
To

1. The Chief Secretary to Government,
Fort St.George, Chennai-9.
2. The Principal Secretary to Government,
Home Department, Government of Tamil Nadu,
Fort St.George, Chennai-9.

3. The Director General of Police,
Chennai-4.
4. The Central Bureau of Investigation (CBI)
Rep. by its Additional Director,
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5. The Superintendent of Police,
Thiruvallur, Thiruvallur District.
6. The Inspector of Police,
T-7, Tank Factory Police Station,
Avadi, Thiruvallur District
7. The Tahsildar,
Ambattur.
8. The Public Prosecutor,
High Court, Chennai.
9. The Judicial Magistrate, Ambattur.

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