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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:04.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.11644 of 2017

M.Krishnan

... Petitioner

-Vs-

1. The Secretary to Government,
Home Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
2. The District Superintendent of Police,
Office of the Superintendent of Police,
Kanyakumari District,
Nagercoil - 629 001,
Kanyakumari District.
3. The Inspector of Police,
Aaralvaimozhi Police Station,
Aaralvaimozhi P.O.,
Kanyakumari District - 629 301.
(Crime No.358 of 2016)
4. The Inspector of Police,
CBCID,
Ramanputhur, Nagercoil - 629 002,
Kanyakumari District.

... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to transfer the case in Crime No.358 of 2016 on the file of the third respondent to the fourth respondent.

For Petitioner : Mr.T.Antony Arul Raj

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

**ORDER**

This Criminal Original petition is filed to transfer the case in Crime No.358 of 2016 on the file of the third respondent to the fourth respondent.

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

3. It is stated that the petitioner is the father of a girl, namely, one Geethu Krishnan. It is further stated that the petitioner's daughter was dashed to ground by a Car and the accident took place on 13.09.2016 at about 10.30 p.m. Though a case was registered on 14.09.2016 in Crime No.358 of 2016 for the offences under Sections 279, 337, 304(A) I.P.C., r/w 187 of Motor Vehicles Act, it is stated that there was no progress in the investigation. It is also stated that though C.C.T.V. Cameras are available in the Check posts as well as Tollgates which are nearby, the Car which caused the accident was not identified. In these circumstances, it is stated that the delay in the investigation will be more unfavourable and the petitioner will not be able to file claim petition before the Tribunal.

4. The learned Additional Public Prosecutor however on instructions submitted that the complaint was filed without any information about the identity of the vehicle. He further submitted that it is in these circumstances, there is some practical difficulties to find out the accused.

5. The reasons for the delay is not convincing.

6. Secondly, the respondents have not produced any materials to show that there was progress in the investigation so as to defend this petition.

7. Considering the fact that further delay will hamper the criminal trial, this Court is of the view that this is a fit case when the investigation should be transferred. Hence, the Criminal Original petition is allowed and the second respondent is directed to transfer the case in Crime No.358 of 2016 on the file of third respondent to the fourth respondent and the fourth respondent shall investigate and file final report as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(Records)



1. The Secretary to Government,
Home Department,
Government of Tamil Nadu,
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Chennai - 600 009.
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Nagercoil - 629 001,
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Kanyakumari District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Pmu

AE/MR KKR/SAR3/15.09.2017/3P/6C

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