



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P. (MD) No.8992 of 2017

Joseph Cyril Masio

: Petitioner

-Vs-

1. The Superintendent of Police,
Kanyakumari District.

2. The Inspector of Police,
Traffic Investigation Wing,
T.I.W. - Nagercoil,
Kanyakumari District.

: Respondents

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, praying to direct the first respondent to change the investigation officer in Cr.No.38 of 2017 and monitor the future investigation as to ensure fair and proper investigation done in this case.

For Petitioners : Mr.J.Praveen

For Respondents : Mr.C.Ramesh,

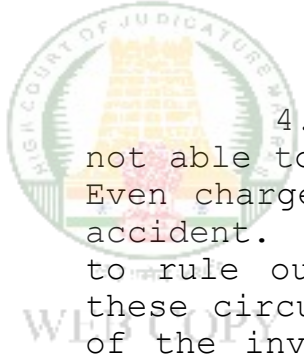
Additional Public Prosecutor

O R D E R

This petition is filed for a direction to direct the first respondent to change the investigation officer in Cr.No.38 of 2017 and monitor the future investigation as to ensure fair and proper investigation in this case.

2.The petitioner preferred a complaint against the driver of the vehicle who caused the accident by driving the vehicle in a rash and negligent manner.

3.The learned Additional Public Prosecutor filed a status report acknowledging the involvement of the vehicle viz., Tata India Car bearing Registration No.TN-74-F-4676 and the driver of the vehicle. However, they have not stated as to the nature of investigation so far done by the second respondent and the evidence collected by the Investigating Officer in connection with the crime.



4. In the facts and circumstances of the case, this Court is not able to justify any reason for not completing the investigation. Even charge sheet was not filed against the persons who caused the accident. In these circumstances, this Court is not in a position to rule out the possibility of tampering of evidence. It is in these circumstances, this Court is also of the view that the change of the investigation officer may advance the cause of justice and lead to fair and proper investigation in this case. Hence, this Criminal Original Petition is allowed. The first respondent is directed to change the investigation officer in Crime No.38 of 2017 and to expedite the future investigation by the new officer to ensure fair and proper investigation in the case registered in Crime No.38 of 2017.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Kanyakumari District.
2. The Inspector of Police,
Traffic Investigation Wing,
T.I.W. - Nagercoil,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.J.PRAVEEN, ADVOCATE IN SR No. 69506

SRM/IS

TE/SKN-RSK/SAR-III : 11/08/2017 : 2P/5C

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