



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2017

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WEB COPY

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**Crl.O.P.(MD) No.9122 of 2017

P.Jeyachandran

... Petitioner

-Vs-

1. State Represented by  
The Commissioner of Police,  
Madurai City, Madurai.
2. The Inspector of Police,  
Tirupparankundram Police Station,  
Madurai.  
(Crime No. 236 of 2013)

... Respondents

**Prayer:** Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the first respondent to transfer the investigation of the case in Crime No.236 of 2013 on the file of the second respondent Police to any other Police Officer under the supervision of an Assistant Commissioner of Police within the city of Madurai.

For Petitioner : Mr.A.Rajaram  
For Respondents : Mr.K.Anbarasan  
Government Advocate (Crl.Side)

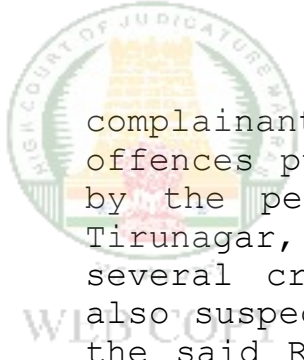
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**O R D E R**

This Criminal Original petition has been filed to direct the first respondent to transfer the investigation of the case in Crime No.236 of 2013 on the file of the second respondent Police to any other Police Officer under the supervision of an Assistant Commissioner of Police within the city of Madurai.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal side) appearing for the respondents.

<https://hcservices.courts.gov.in/hcservices/> The case of the petitioner is that on the basis of the complaint received from the petitioner who is the de-facto



complainant, a case was registered in Crime No.236 of 2013 for the offences punishable under Sections 457 and 380 IPC. It is stated by the petitioner that one Ramesh, residing at Nethaji Nagar, Tirunagar, was arrested by Tirunagar Police in connection with several crimes and his involvement in Crime No.236 of 2013 was also suspected. Though there was some material collected involving the said Ramesh in crime, after getting Bail, it was stated that the said Ramesh was absconding. By virtue of fact that the named accused could not be traced, the criminal case seems to be closed on few occasion and re-opened, after the direction of learned Magistrate concerned. However the suspect is not arrested but absconding.

4.It is, in these circumstances, since the matter is pending for a long time without progress, this petition is filed. The second respondent filed a detailed counter affidavit. I do not find any solid or valid explanation for the long delay in tracing the person named in the crime. The difficulty of the second respondent, as seen from the counter affidavit is only to trace the prime suspect whose involvement is suspected based on material.

5.In such circumstances, it is the duty of the respondent to proceed further with investigation after arresting the accused and securing the suspect for interrogation and show further progress in the case. Since no valid explanation is offered by the respondent police for delay in investigation, this Court has no other option but to reject the explanation for long delay. The first respondent is directed to transfer the investigation of the case in Crime No.236 of 2013 on the file of the second respondent police to any other Police Officer to continue further investigation under the supervision of Assistant Commissioner of Police within the City of Madurai. It is further directed that the Officer to whom the investigation is transferred, is also directed to file a charge sheet within a period of six months from the date of receipt of a copy of this order.

6.Accordingly, the Criminal Original petition is disposed of.

Sd/-

Assistant Registrar (P&A)

/True copy/

Sub Assistant Registrar

To

1. The Commissioner of Police,  
Madurai City,



2. The Inspector of Police,  
Tirupparankundram Police Station,  
Madurai.

3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.RAJARAM, Advocate, SR No. 69597.

CMR/GSP

PSM/GT/SAR1/29.08.2017/3P/5C

Cr1.O.P.(MD) No.9122 of 2017  
02.08.2017