



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE OF RESERVATION : 02.03.2017

DATE OF ORDER : 16.03.2017

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THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

Crl.O.P. (MD) No.23943 of 2016

K.Velammal

: Petitioner

-vs-

1. The State represented by
Director General of Police,
Chennai.
2. The State represented by,
Inspector General of Police,
South Zone,
Madurai.
3. The State represented by,
Superintendent of Police,
Tirunelveli,
Tirunelveli District.
4. The State represented by,
Deputy Superintendent of Police,
Valliyur,
Tirunelveli District.
5. The State represented by,
Inspector of Police,
Panagudi,
Tirunelveli District.
6. The State represented by,
Inspector of Police,
CBCID, Tirunelveli,
Tirunelveli District.

: Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to transfer the investigation in Crime No.377 of 2015 on the file of the respondent No.5 to the Respondent No.6.

For Petitioner : Mr.V.Kathirvelu

Senior Counsel for Mr.K.Prabhu

For Respondents : Mr.K.Anbarasan

Government Advocate (Crl. Side)

**O R D E R**

This petition has been filed to transfer the investigation of Crime No.377 of 2015 from the file of the respondent No.5 to the Respondent No.6.

2.The case of the prosecution is that on 28.09.2015 at 9.00 pm, unknown 3 persons were trespassed into the house of the petitioner by breaking the iron fence and robbed Rs.9,50,000/- worth articles from the petitioner's house.

3.The learned Senior counsel appearing for the petitioner would submit that based on the complaint given by the grand daughter of the petitioner, a case in Crime No.377 of 2015 was registered under Sections 457 and 392 IPC and at the time of enquiry, the petitioner stated that she got suspicion over five persons, including her son Subbiah and one Paramasivam, who is a close friend of the said Subbiah and Ayyappan, who was a tenant of the petitioner and that the said Ayyappan and his wife were residing as tenant in the house of the petitioner and after the occurrence, they vacated the house and that after registration of the case nearly more than one year was over, the suspected accused were not interrogated by the 5th respondent and that the petitioner approached the respondents 1 to 5 by sending petitions several times, but till date, they were unable to trace out the accused and also recovered the properties. It is further submitted that the petitioner's grand-daughter Sumathi, who gave the complaint now residing in Mumbai and hence, the petitioner has come forward with this petition for the relief as stated above.

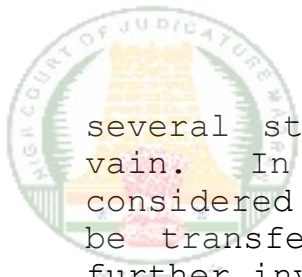
4.The learned Government Advocate (Criminal side) appearing for the respondent would submit that the investigation is going on and the 5th respondent police obtained the finger prints from the petitioner and her family members for further progress of the investigation and the finger print bureau official also take finger prints from the occurrence spot to reveal the truth and after taking several attempts to nab the culprits, the efforts were went on vain. It is further submitted that the investigation was made in proper manner and hence, requested time to complete the investigation.

5.Heard both sides and perused the materials available on record.

6.It is seen from the records that the petitioner is aged about 85 years and the stolen property is worth about Rs.9,50,000/- and the case was registered in the year 2015 and nearly more than one year was over. It is also seen from the records that the petitioner has suspected five persons and they have not interrogated by the 5th respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

7.According to the prosecution, the 5th respondent has taken



several steps to nab the culprits, but the efforts were went on vain. In view of the above circumstances, this court is of the considered view that in the interest of the justice, the case has to be transferred from the 5th respondent to the 6th respondent for further investigation.

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8. In the result, this petition is **allowed** and the investigation of the case in Crime No.377 of 2015 pending on the file of the 5th respondent is transferred to the 6th respondent for further investigation. The 6th respondent is directed to conduct further investigation and file a final report before court concerned as expeditiously as possible.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Director General of Police,
Chennai.
 2. The Inspector General of Police,
South Zone, Madurai.
 3. The Superintendent of Police,
Tirunelveli,
Tirunelveli District.
 4. The Deputy Superintendent of Police,
Valliyur, Tirunelveli District.
 5. The Inspector of Police,
Panagudi,
Tirunelveli District.
 6. The Inspector of Police,
CBCID, Tirunelveli,
Tirunelveli District.
 7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- + 1 CC TO Mr.K.PRABHU, ADVOCATE IN SR No. 15405

ER

TE/MR : 24/03/2017 : 3P/9C