

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.8609 of 2018

Abdul Rahim @ Tada Rahim

.. Petitioner

Vs

1.State by: The Director General of Police
Mylapore
Chennai 600 004.

2.The Commissioner of Police
Chennai City
Vepery
Chennai 600 007.

3.The Inspector of Police
D-1 Triplicane Police Station
Triplicane, Chennai 600 005.

4.Syed Mohamed Buhari

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to
transfer the investigation in Cr.No.1319 of 2017 on the file of respondent
no.3 to CB CID.

For Petitioner

: Mr.P.Pugalenth

For R1 to R3

: Mr.C.Raghavan
Government Advocate (Crl.Side)

ORDER

This petition has been filed to transfer the investigation in Cr.No.1319 of 2017 on the file of respondent no.3 to the CB CID.

2. On the complaint lodged by Syed Mohamed Buhari, the respondent police registered a case in Cr.No.1319 of 2017 on 27.12.2017 under Sections 147, 341, 323, 364-A, 384 and 506(ii) IPC against Sahul Hameed [A1], Sulaiman Set [A2] and other unnamed accused. While so, the petitioner herein was implicated in Cr.No.1319 of 2017 and was arrested and was detained under Act 14 of 1982. In the relied upon documents, the petitioner was supplied with the statement of Syed Mohamed Buhari recorded by the Magistrate under Section 164 Cr.P.C., wherein, Syed Mohamed Buhari has narrated about his earlier interactions with the petitioner in the year 2007 and also about the involvement of the petitioner in the alleged incident on 26.12.2017 relating to Cr.No.1319 of 2017.

3. It is the contention of Mr.P.Pugalenth, learned counsel for the petitioner that Syed Mohamed Buhari has not implicated the petitioner in the complaint in Cr.No.1319 of 2017, but has been tutored by the police to implicate him in the statement recorded by the Magistrate under Section 164 Cr.P.C.

4. On a reading of the complaint in Cr.No.1319 of 2017, it is seen that Syed Mohamed Buhari has stated that he was abducted on 26.12.2017 and was detained in a lodge in Triplicane High Road and was assaulted by Sahul Hameed [A1], Sulaiman Set [A2] and others. Of course, an FIR is not the encyclopedia of the prosecution case and it does not mean that just because the name of one accused does not find in the FIR, he cannot be implicated in the final report. In this case, in the 164 Cr.P.C. statement recorded by the Magistrate, Syed Mohamed Buhari has spoken about the role played by the petitioner in the abduction and assault.

5. In such view of the matter, this Court is of the view that interests of justice will be served if the Assistant Commissioner in charge of Egmore is directed to personally monitor the investigation in Triplicane Police Station Cr.No.1319 of 2017 and conduct an unbiased and fair investigation and accordingly, it is ordered.

With the above direction, this petition stands disposed of.

WEB COPY

gms

07.06.2018

P.N.PRAKASH, J.

gms

To

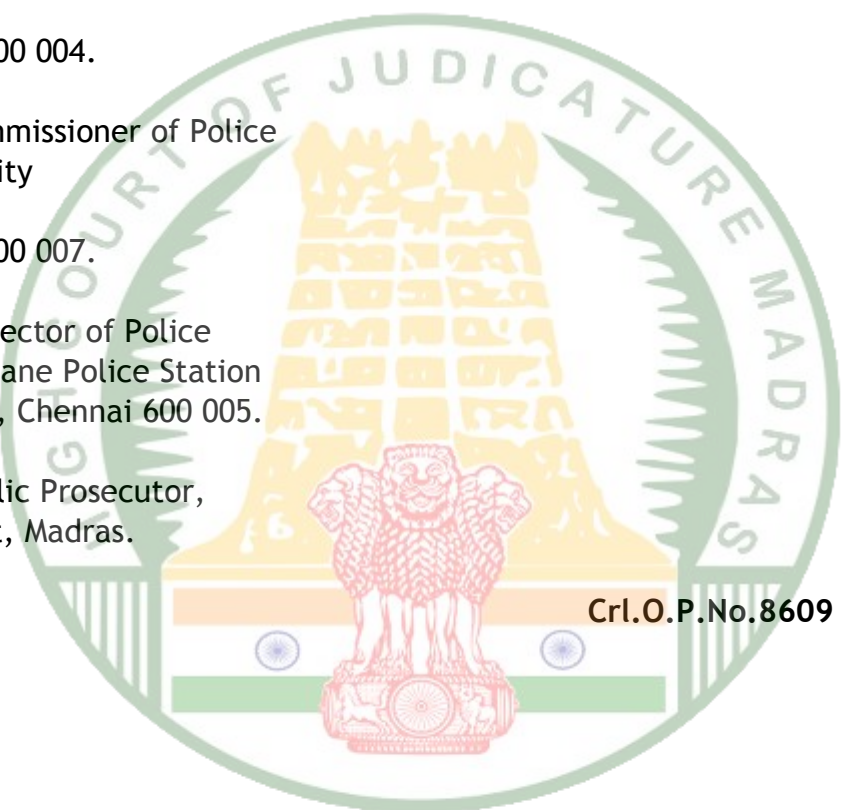
1.The Director General of Police
Mylapore
Chennai 600 004.

2.The Commissioner of Police
Chennai City
Vepery
Chennai 600 007.

3.The Inspector of Police
D-1 Triplicane Police Station
Triplicane, Chennai 600 005.

4.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.8609 of 2018

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital of Ashoka in front of it. The lion capital is set against a background of the Indian national flag's saffron, white, and green horizontal stripes, with the Ashoka Chakra in the center. The words "HIGH COURT OF JUDICATURE MADRAS" are inscribed in a green border around the emblem. Below the emblem, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

WEB COPY

07.06.2018