

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.06.2018

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.22955 of 2015

Senthil Kumar

... Petitioner

Vs.

- 1 The Superintendent of Police,  
Cuddalore District,  
Cuddalore
- 2 The Deputy Superintendent of Police,  
Sethiyathope,  
Cuddalore District
- 3 The Inspector of Police,  
Srimushnam Circle,  
Cuddalore District.
- 4 The Sub Inspector of Police,  
Cholatharam Police Station,  
Cholatharam,  
Cuddalore District
- 5 The Additional Director General of Police,  
CB CID  
No.220, Pantheon Road,  
Egmore, Chennai 600 008
- 6 The CBI  
ACB Chennai  
III Floor, Shastri Bhavan,  
No.26, Haddows Road,  
Nungambakkam,  
Chennai

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to transfer the investigation in crime No.26 of 2014 on the file of the Inspector of Police Srimushnam Circle, Cuddalore District to CBCID or CBI.

For Petitioner : No appearance

For Respondent : Mr. K.Prabakar

Additional Public Prosecutor

ORDER

The Status Report filed by the Deputy Superintendent of Police, District Crime Branch, Cuddalore. The petition has

been filed by the brother of the deceased Deiva Kumar to transfer the investigation either to CBI or CBCID, suspecting doubt in the manner of investigation done by the local police.

2 The Deputy Superintendent of Police, District Crime branch- the investigation officer filed status report informing that after fair and proper investigation, they have found that the deceased Deiva Kumar died in a motor accident. The final report in Rc's No.04/2016 dated 03.10.2016 filed stating that the offending vehicle was not traceable. Being a hit and run case, they were not able to trace the vehicle and offender. Final report has been filed in the said line and a copy of the same was served on the brother of the deceased Deiva Kumar, who is the petitioner herein.

3 The Action taken report further indicates that the Trial Court summoned Senthil Kumar, the petitioner herein for appearance. On 28.07.2017, 04.08.2017 and 01.02.2018, 18.04.2018 the said Senthil Kumar did not appear before the Trial Court for the first three hearings. At last appeared on 18.04.2018 and requested time to file objection petition. Hence, the learned District Munsif cum Judicial Magistrate adjourned the case on 26.04.2018 and 09.05.2018, but no petition was filed by Senthil Kumar on these days.

4 From the report filed by the Deputy Superintendent of Police, this Court finds that despite several adjournments, Senthil Kumar has not filed any objection petition for the closure report. For the last two hearings dated 22.05.2018 and 30.05.2018, he is even failed to appear before the Trial Court.

5 In the said circumstances, since the investigation has concluded in filing closure report and no foul play or suppression could be seen, from the final report, the prayer in this petition to change the investigation does not carry merit. Hence the petition is dismissed.

Sd/-  
Assistant Registrar (CS-IV )

//True Copy//

Sub Assistant Registrar

rpl

To

1 The Superintendent of Police,  
Cuddalore District, Cuddalore

- 2 The Deputy Superintendent of Police,  
Sethiyathope,  
Cuddalore District
- 3 The Inspector of Police,  
Srimushnam Circle,  
Cuddalore District.
- 4 The Sub Inspector of Police,  
Cholatharam Police Station,  
Cholatharam,  
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- 5 The Additional Director General of Police,  
CB CID  
No.220, Pantheon Road,  
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- 6 The CBI  
ACB Chennai  
III Floor, Shastri Bhavan,  
No.26, Haddows Road,  
Nungambakkam,  
Chennai
- 7 The Special Public Prosecutor for CBI Cases,  
High Court, Madras.
8. The Public Prosecutor  
High Court, Madras.
9. The District Munsif cum Judicial Magistrate,  
Kattumannar Koil, Cuddalore District.  
RR(CO)  
sm:16.7.2018

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