

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.19920 of 2018

R.Kamalakaran

... Petitioner

Vs

The Inspector of Police
Neyveli Thermal Police Station,
Neyveli, Cuddalore District
Crime No.53 of 2018

.... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to transfer the case in Crime No.53 of 2018 on the file of the Inspector of Police Neyveli Thermal Police Station, Cuddalore District, Cuddalore.

For Petitioner : Mr.K.Anbuselvan

For Respondent : Mr.C.Raghavan, Govt. Advocate

O R D E R

On the complaint lodged by Kamalakannan, the respondent Police registered a case in Crime No.53 of 2018 on 29.04.2018 under Section 147, 148, 341, 294(b), 324, 323 and 506[2] IPC against three named accused and an unnamed accused. Similarly, on the complaint given by Dhanakumar (A3 in Crime No.53 of 2018), the respondent Police registered a case in Crime No.55 of 2018 on 01.05.2018 under Section 147, 148, 294(b), 379, 323, 324 and 506[2] IPC and Section 4 of the Women Harassment Act against five named accused and an unnamed accused. In Crime No.55 of 2018, Kamalakannan who is the de facto complainant in Crime No.53 of 2018, has been shown as accused. Not satisfied with the investigation in Crime No.53 of 2018, Kamalakannan is before this court for transfer of investigation.

2.Heard the learned counsel for the petitioner and the learned Government Advocate.

3.On a reading of the FIR in Crime No.53 of 2018, it is seen that the injured is one Kalaiselvan, who is the brother of Kamalakannan. The complaint proceeds as if Kamalakannan had seen the incident himself, inasmuch as, the names and the overt acts of the accused are given therein. However, in the last line of the complaint, it is stated that Kamalakannan was

informed about the incident by one Venkatesan over phone, thereafter, he came to the spot and had admitted his brother kalaiselvan to the hospital. Thus, the complaint given by Kamalakannan appears to be hearsay.

4.It is not known, why the police did not record the statement of the injured Kalaiselvan himself at the hospital and register an FIR. It is also seen that on a complaint given by one of the accused in Crime No.53 of 2018, a case in Crime No.55 of 2018 has been registered on 01.05.2018, in respect of the incident that took place on 28.04.2018. In such view the matter, this Court is of the opinion that for a free and fair investigation of the case, it will be in the interest of justice, if the investigation in both the cases are transferred.

5.In the result, this Court transfers the investigation in Crime No.53 of 2018 and Crime No.55 of 2018 from the file of the Inspector of Police, Neyveli Thermal Police Station to the Inspector of Police, Vadalur Police. The Inspector of Police, Neyveli Thermal Police Station is directed to hand over the entire case records in Crime No.53 of 2018 and Crime No.55 of 2018 to the Inspector of Police, Vadalur Police Station within a period of two weeks from the date of receipt of a copy of this order and the Inspector of Police, Vadalur Police Station is directed to conduct the investigation in accordance with law.

With the above direction, this petition is ordered accordingly.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police
Neyveli Thermal Police Station,
Neyveli, Cuddalore District.

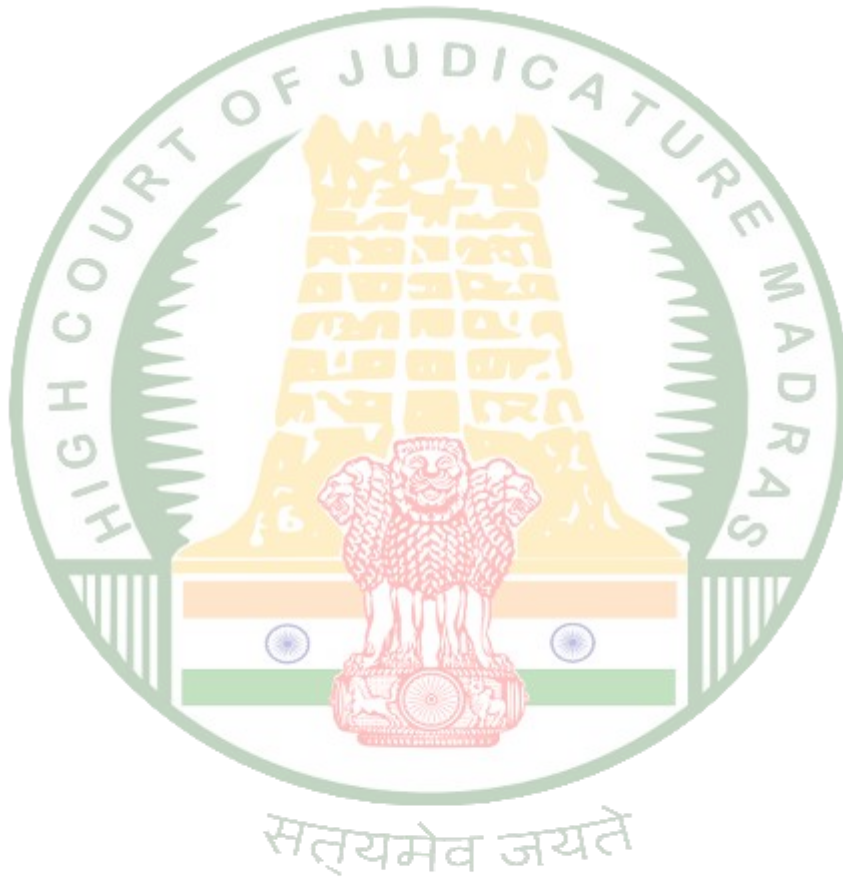
2.The Inspector of Police,
Vadalur Police Station,
Cuddalore District.

3.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.K.ANBUSELVAN, Advocate, S.R.No.55221

CRL.OP.No.19920 of 2018

VSN (CO)
TR (28/08/2018)



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