

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

Cr1.O.P.No.27198 of 2013

Chinnakunju @ Sambalan

... Petitioner

Vs.

1. The Superintendent of Police,
Dharmapuri District,
Charmapuri.
 2. The Inspector of Police,
Eriyur Police Station,
Pennagaram Taluk,
Dharmapuri District
(Crime No.135 of 2013)
 3. The Deputy Superintendent of Police,
C.B.C.I.D., Dharmapuri Division,
Dharmapuri District,
Dharmapuri.
- Respondents

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C to transfer the investigation from the 2nd respondent to the Deputy Superintendent of Police, CBCID Dharmapuri/3rd respondent, or any other agency in Crime No.135 of 2013 on the file of 2nd respondent and to investigate, file the final report within the stipulated time.

For Petitioner : Mr.M.R.Jothimanian

For Respondents: Mr.T.Shunmugarajeswaran,
Government Advocate (Cr1. Side)

ORDER

The present petition has been filed by the petitioner to transfer the investigation from the 2nd respondent, namely the Inspector of Police, Eriyur Police Station, Pennagaram Taluk, Dharmapuri District to the 3rd respondent namely the Deputy Superintendent of Police, CBCID Dharmapuri Division, Dharmapuri District. The case of the petitioner is that though the 2nd respondent registered First Information Report under Section 174 of the Code of Criminal Procedure in Crime No.135 of 2013 for the death of the petitioner's son namely Boopathy, they

have not altered the Section to 302 of Indian Penal Code. According to him, there is no progress in the investigation and therefore, it should be transferred to the CBCID Dharmapuri Division.

2. The learned Government Advocate (CrI.Side) would contend that in the instant case, investigation has been concluded and a referred charge sheet has also been filed before the Judicial Magistrate, Pennagaram on 17.01.2017. According to him, a notice was served on the de-facto complainant in this regard.

3. The learned counsel appearing for the petitioner prayed this court to grant him liberty to file a protest petition before the Judicial Magistrate, Pennagaram. Recording his submission, this petition is dismissed and he can approach the Judicial Magistrate, Pennagaram and file a protest petition.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mst
To

1. The Superintendent of Police,
Dharmapuri District,
Charmapuri.
2. The Inspector of Police,
Eriyur Police Station,
Pennagaram Taluk,
Dharmapuri District
(Crime No.135 of 2013)
3. The Deputy Superintendent of Police,
C.B.C.I.D., Dharmapuri Division,
Dharmapuri District,
Dharmapuri.
4. The Public Prosecutor,
Madras High Court.
5. The Judicial Magistrate,
Pennagaram.

+1cc to Mr.M.R.Jothimanian,Advocate, S.R.No.39232

CrL.O.P.No.27198 of 2013



सत्यमेव जयते

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