

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.Nos.23721, 23726, 23727 and 23731 of 2018

Sivashankar

... Petitioner/Accused
(In all petitions)

Vs.

- 1.The Superintendent of Police,
Officer of Superintendent of Police,
Thiruvarur District.1st respondent
(in all petitions)
- 2.The Inspector of Police,
Valangaiman Police Station.
Crime No.184 of 20172 Respondent/Complainant
(in Crl.O.P.No.23721/2018)
- 2.The Inspector of Police,
Mannargudi Town Police Station.
Crime Nos.660 and 618 of 20172 Respondent/Complainant
(in Crl.O.P.Nos.23726 and
23727/2018)
- 2.The Inspector of Police,
Kottur Police Station.
Crime No.168 of 20182 Respondent
(in Crl.O.P.No.23731/2018)

COMMON PRAYER: These Criminal Original Petitions are filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation with respect of the Crime Nos.184, 660, 681 of 2017 and 168 of 2018 respectively, pending on the file of the respondent to any other investigating agency and directed to proceed with investigation.

For Petitioner : Mr.R.Nalliyappan
(In all petitions)

For Respondents : Mr.M.Mohamed Riyaz

(In all petitions) Additional Public Prosecutor

COMMON ORDER

All these petitions have been filed seeking for transfer of investigation.

2.The learned counsel for the petitioner would submit that the petitioner belongs to AIADMK (Amma) Political Party member and he is now actively involved in the activities of the said party. Therefore, the ruling party has given one complaint after another against the petitioner and getting it registered before the various police Stations. According, to the learned counsel for the petitioner, the petitioner cannot expect a neutral investigation in this case since it is being influenced by the ruling party.

3.The list of the cases that are pending against the petitioner is as follows:-

S.L. No.	Police Station	Cr.No.	Section	Date of FIR	Implicate d on
1.	Valangaiman	184/17	147,148,324, 307 IPC r/w 3 (1) TN Public Property (Prev of Damage and Loss) Act	30.08.2017	31.10.2017
2.	Mannargudi Town	660/17	143, 448, 353 & 506 (i) IPC	02.09.2017	24.10.2017
3.	Mannargudi Town	676/17	504, 505, (1), (b) IPC, 12, 14 of press and Registration of Books Act	10.09.2017	01.11.2017
4.	Mannargudi Town	681-17	436, 109 IPC r/w 4 of Tn Public Property (Prev of Damage and Loss) Act	12.09.2017	17.09.2017
5.	Thiruvapur Town	298/17	294(b), 504 and 505 (1) (b) IPC	24.10.2017	24.10.2017
6.	Kottur	168/18	294(b), 506(i) r/w 3 (i) (r) (s) SC & ST POA Act	27.09.2018	27.09.2018

4.Therefore, the learned counsel would submit that all these cases must be transferred to a different agency in order to ensure that a fair investigation is conducted.

5.The learned Additional Public Prosecutor would submit that these cases were registered based on the complaint given by the concerned persons and there is no political motive behind the complaints. The learned Additional public prosecutor would further submit that the respondent police will conduct fair investigation and complete the investigation as expeditiously as possible.

6.This Court has carefully considered the submissions made on either side and also the materials placed on record.

7. It is seen from the records that there are at least five cases registered against this petitioner in the year 2017 and one case has been registered in the year 2018. The petitioner strongly feels that he will not get a fair investigation, since, all these cases are foisted against him under the pressure extracted by the ruling party.

8.Admittedly, all the above said cases are pending as on today. This court does not want to transfer the investigation at this stage. However, in order to maintain a neutrality and to ensure fair investigation, this Court deems it fit to direct the first respondent namely, the Superintendent of Police, Thiruvarur District to monitor the investigation conducted by the second respondent police. All the police stations in which, the FIR is pending, falls within the jurisdiction of the first respondent. On a strict monitoring done by the first respondent, the apprehension of the petitioner that fair investigation will not be done, can be attended to and this Court expects the first respondent to ensure that there is no bias in the investigation and the same is carried on strictly in accordance with law by the second respondent police.

9.In view of the above, this Criminal Original Petitions are disposed with a direction to the first respondent strictly to monitor the investigation done by the second respondent and to ensure that the investigation is completed as expeditiously as possible and report is filed before the concerned Jurisdictional Magistrate Court.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.The District Munsif-Cum Judicial Magistrate,
Valangaiman.

2.The Judicial Magistrate No.I,
Mannargudi.

3.The Judicial Magistrate,
Tiruvarur.

4.The Superintendent of Police,
Officer of Superintendent of Police,
Thiruvarur District.

5.The Inspector of Police,
Valangaiman Police Station.

6.The Inspector of Police,
Mannargudi Town Police Station.

7.The Inspector of Police,
Kottur Police Station.

8.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.R.Nalliappan, Advocate Sr.77905

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srg 18/12/2018

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