

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2018

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.29259 of 2018

Rasathi

... Petitioner

vs.

1. The Superintendent of Police,
Cuddalore District,
Cuddalore.

2. State by
Inspector of Police,
Kattumannarkoil Police Station,
Cuddalore District.

... Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation of the above said case in Crime No.403 of 2017 on the file of the second respondent herein. The Inspector of Police, Kattumannar Koil Police Station, Cuddalore District to the file of the Superintendent, CBCID, Cuddalore or any other competent investigating agency for proper investigation and report before competent Court.

For Petitioner : Mr.R.Ramamoorthy

For Respondents : Mr.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed seeking to transfer the investigation in Crime No.403 of 2017 pending on the file of the second respondent.

2. The learned counsel for the petitioner would submit that the petitioner had given a complaint against five named accused persons and based on the complaint, an FIR was registered by the second respondent in Crime No.403 of 2017 on 28.08.2017 for an

offence under Sections 147, 427, 294 (b), 352, 380 of Indian Penal Code. Since there was no progress in this investigation, the petitioner has approached this Court and filed a petition in CrI.O.P.No.20297 of 2017 seeking for a direction to the respondent police to complete the investigation. This Court, by an order dated 22.09.2017, directed the respondent police to complete the investigation and file a final report as expeditiously as possible. The learned counsel for the petitioner would submit that in spite of the said order, there has been absolutely no progress in the investigation.

3. In the meantime, the petitioner had sought for information under the Right to Information Act, with regard to the progress of the investigation. The petitioner was informed that the accused persons have been arrested. However, since there was no eye witness to the incident, the investigation is still pending. This information was given on 05.12.2017 and till date, no final report has been filed. Therefore, left with no other option, the petitioner has approached this Court seeking for transfer of investigation.

4. The learned Additional Public Prosecutor for the respondents would submit that the second respondent is effectively conducting the investigation and the same will be completed within a short time.

5. Since there has been no progress in the investigation, this Court is of the considered view that the first respondent, namely, the Superintendent of Police, Cuddalore, will have to monitor the investigation conducted by the second respondent.

6. Accordingly, this Criminal Original Petition stands disposed of with a direction to the second respondent to effectively continue with the investigation and the same has to be monitored by the first respondent. The investigation shall be completed within a period of two months and final report has to be filed within a period of two months from the date receipt of a copy of this order.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nmm/dss

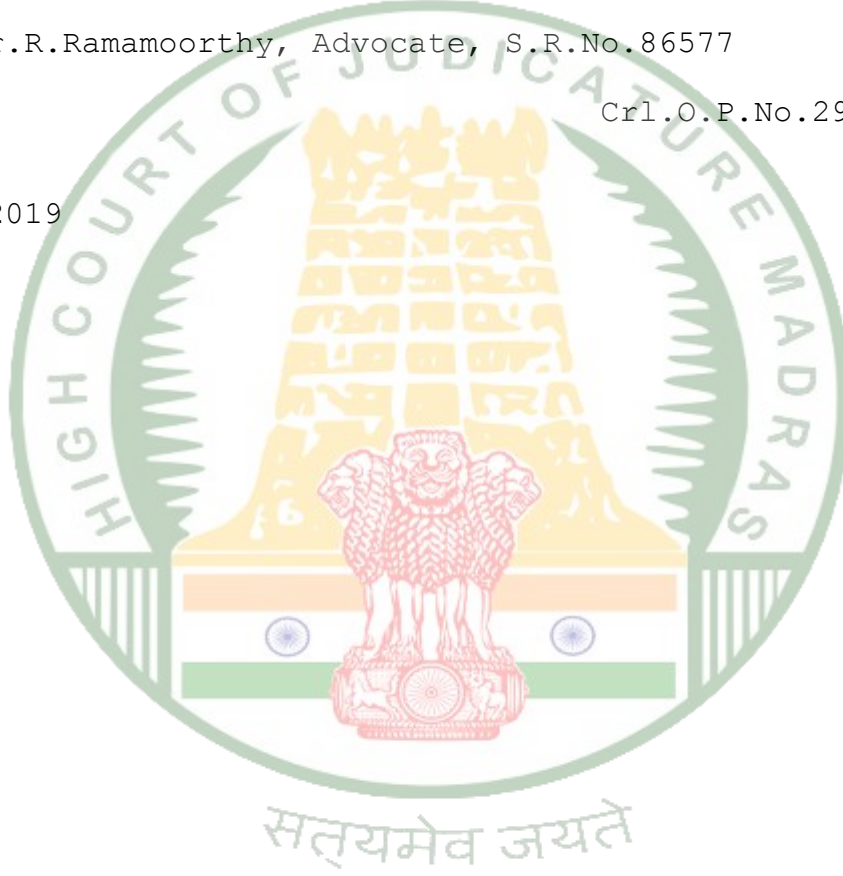
To

1. The Superintendent of Police,
Cuddalore District,
Cuddalore.
2. The Inspector of Police,
Kattumannarkoil Police Station,
Cuddalore District.
3. The Public Prosecutor,
High Court, Madras-104

+1cc to Mr.R.Ramamoorthy, Advocate, S.R.No.86577

CrI.O.P.No.29259 of 2018

KK(CO)
CS/18/01/2019



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