



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.03.2018

CORAM:

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THE HONOURABLE MR.JUSTICE **P.RAJAMANICKAM**

CRL.OP.(MD) No.2919 of 2018

Arulpon Raj

... Petitioner

Vs.

1. The Superintendent of Police,
Tirunelveli District.

2. The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.

3. The Deputy Superintendent of Police,
C.B.C.I.D Tirunelveli Range,
Tirunelveli District.

...Respondents

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to transfer the investigation of Crime No.359 of 2017 from the file of second respondent to the file of third respondent to conduct by fair and impartial investigation.

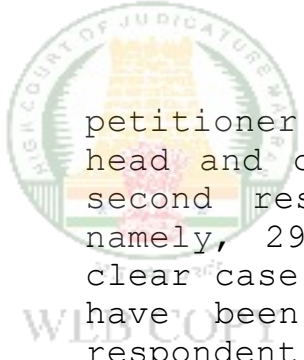
For Petitioner : Mr.K.P.Narayanakumar

For Respondents : Mr.Prabu Ramachandran,
Government Advocate (Crl. Side).

ORDER

This Criminal Original petition has been filed to transfer the investigation in Crime No.359 of 2017 from the file of second respondent to the third respondent.

2.The learned counsel appearing for the petitioner has submitted that the accused namely, Murugan has quarreled with the petitioner and his family members and attacked the petitioner and his family members on three occasions. He further submitted that every time the said accused committed some serious offences, but the second respondent registered the cases under minor Sections and the said act emboldens the said accused to commit offences repeatedly. He further submitted that lastly on 22.11.2017, the



petitioner was attacked by the said accused with an aruval on his head and caused serious injury and even for that occurrence the second respondent has registered a case under minor Sections namely, 294(b), 323 and 506(ii) IPC. According to him, it is a clear case of attempt to commit murder and as such the case should have been registered under Section 307 IPC. The second respondent, with a view to help the accused, has registered a case under minor Sections and hence he requests to transfer the investigation to the third respondent.

3.The learned Government Advocate (Crl.side) has submitted that during investigation, a medical certificate was received and after considering the nature of the injury sustained by the respondent, the charge sheet was filed under Sections 447, 294(b), 326 and 506(ii) IPC, before the learned Judicial Magistrate, Nanguneri.

4.Considering the aforesaid submissions, it is open to the petitioner to engage an advocate and file a petition before the Trial Court, requesting the Trial Court to consider the petitioner's grievance that the offence under Section 307 is also attracted. If any such petition is filed before the concerned Magistrate and if he feels that Section 307 IPC is also attracted, then the learned Judicial Magistrate shall commit the case in accordance with law.

5.With the aforesaid observation, this Criminal Original Petition is disposed of.

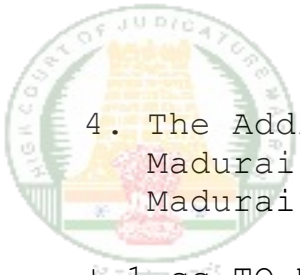
Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tirunelveli District.
2. The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
3. The Deputy Superintendent of Police,
C.B.C.I.D Tirunelveli Range,
Tirunelveli District.



4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc TO Mr.K.P.Narayanakumar , Advocate in SR No. 54357

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AE/SV MMS/SAR4/16.04.2018/3P/6C

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