



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P. (MD) No.16201 of 2018

T.Vergily

... Petitioner

Vs

1.State of Tamil Nadu,
Represented by,
The Sub Inspector of Police,
Pudukadai Police Station,
Vilavancode Taluk,
Kanyakumari District.

2.Thankaraj @ Selvaraj

3.Abeesh Raj

4.The Assistant Superintendent of Police,
Colachel,
Kanyakumari District.

5.The Superintendent of Police,
kanyakumari District,
Nagercoil.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, directing the fifth respondent police to transfer of investigation of the case in Cr.No.152/18 in Puthukadai Police Station, from the first respondent to the fourth respondent Assistant Superintendent of Police, Colachel to recover the Teak Wooden logs worth more than Rs.3,00,000/- and secure the other accused.

For Petitioner : Mr.S.Titus

For R1, R4 and R5 : Mrs.S.Bharathi
Government Advocate (Crl.side)

O R D E R

This petition has been filed for a direction to transfer the
<https://hcservicescourts.gov.in/hcservices/> Crime No.152 of 2018.



2.The grievance of the petitioner is that right through the first respondent did not investigate this case properly. That apart, certain named accused were not even added in the F.I.R. Further, the grievance of the petitioner is that Teak Wood worth about more than Rs.3,00,000/- was stolen and it was not even recovered by the police in the course of investigation. The petitioner was an eye witness to the entire incidence and in spite of informing the police about the entire case, the respondent police failed to investigate the case. Hence, the present petition has been filed for transfer of investigation.

3.The learned Government Advocate for the respondent police would submit that the first respondent has already filed a closure report before the learned Judicial Magistrate No.II, Kulithurai and the petitioner did not receive the R.C notice, when it was attempted to be served.

4.The entire grievance that has been raised by the petitioner can be redressed by the Court below, if the protest petition is filed before the Court below. The Court below has sufficient jurisdiction even to pass further orders in the protest petition.

5.The criminal original petition is disposed of with a direction to the petitioner to file an appropriate protest petition before the Judicial Magistrate No.II, Kulithurai, raising all the grounds that have been raised in this petition and the learned Judicial Magistrate is directed to deal with the said petition in accordance with law.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS III)

rmi

To

- 1.The Judicial Magistrate No.II, Kulithurai,
- 2.The Sub Inspector of Police, Pudukadai Police Station,
Vilavancode Taluk, Kanyakumari District.
- 3.The Assistant Superintendent of Police,
Colachel, Kanyakumari District.
- 4.The Superintendent of Police,
kanyakumari District, Nagercoil.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

1cc TO MR. S. TITUS, ADVOCATE SR 83790

DS SKN SAR 3

11 10 2018

<https://hcservices.ecourts.gov.in/hcservices/>

21/10/18

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