



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2018

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.18824 of 2018

Rajendran

... Petitioner

Vs.

1. The State of Tamil Nadu Rep.by
The Superintendent of Police
Sivagangai District

2. The Inspector of Police
S.S.Kottai Police Station
Sivagangai District
Crime No.42 of 2018

3. The Deputy Superintendent of Police(CBCID)
CBCID Office
Sivagangai District

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to withdraw the case in Crime No.42 of 2018 on the file of the second respondent and entrust the same to the third respondent for investigation of the case by the competent officer and file a final report before the jurisdictional Magistrate within the time stipulated by this Honourable Court.

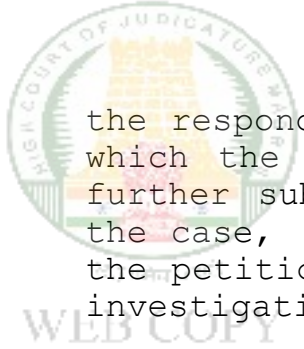
For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed seeking to transfer the investigation pending on the file of the second respondent police in Crime No.42 of 2018.

2. The learned counsel for the petitioner would submit that the petitioner was attacked by the accused persons with wooden log and he also sustained head injury. The respondent police have registered First Information Report. The incident took place on 25.07.2018 and on the same day First Information Report was registered by the respondent police in Crime No.42 of 2018 against the accused persons. The learned counsel would further submit that



the respondent police did not take immediate action, as a result of which the accused person had escaped and gone to Dubai. He would further submit that the respondent police inspite of investigating the case, had also foisted a false case against the son-in-law of the petitioner. Therefore the petitioner has sought for transfer of investigation.

3. Per contra, the learned Government Advocate(Crl.Side) would submit that the respondent police have completed the investigation and have filed final report before the learned Judicial Magistrate, Thirupathur (SVG) against the accused persons for an offence under sections 341,294(b),323 and 506(i) of IPC and the accused persons have been shown as absconding accused in the First Information Report. He would further submit that steps are being taken to secure the accused persons by issuing Look Out Circular against him.

4. This Court has carefully considered the submissions made on either side.

5. In this case, it seen that the First Information Report has been registered on the same day when the incident took place. After the investigation, final report has been filed wherein the offences under section 323 of IPC has been added, in view of the fact that the wound certificate only reflects a simple injury. Insofar securing the accused person is concerned, the respondent police is already taking steps to issue Look Out Circular against him. This Court is not inclined to pass any order to transfer the investigation at this stage, since the respondent police have already investigated the case and have also filed final report.

6. In view of the above, there shall be a direction to the respondent police to immediately issue Look Out Circular against the accused person and secure him and produce before the Court. It is left open to the respondent police to further investigate the case after the accused person is secured, if in case, any additional materials are obtained at a later stage.

7.The Criminal Original Petition is disposed of with the above directions.

Sd/

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-III)

To:

1. The Superintendent of Police
Sivagangai District



2. The Inspector of Police
S.S.Kottai Police Station
Sivagangai District
Crime No.42 of 2018

3. The Deputy Superintendent of Police (CBCID)
CBCID Office
Sivagangai District

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

+1 CC to Mr.R.Venkatesan, Advocate, SR.No.91502

aav

SS/SKN/SAR 3/07.12.2018/3P/6C

Cr1.O.P. (MD) No.18824 of 2018
24.10.2018