

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 09.01.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.719 of 2019
and Crl.M.P.No.450 of 2019

A.Panneerselvam

... Petitioner

-Vs-

1. The Director General of Police,
Kamaraj Salai,
Chennai - 4.
2. The Inspector General of Police,
Villupuram Range,
Villupuram.
3. The Superintendent of Police,
Cuddalore District,
Cuddalore.
4. The State Rep. by
The Inspector of Police,
Kumaratchi Police Station,
Cuddalore District.
(Crime No.104 of 2001)
5. Sappaiyan @ Gunasekaran
6. Sekar
7. Srinivasan
8. Arumugam
9. Anjapuli

Respondents

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to direct the respondents 1 to 3 to transfer the case in Crime No.104 of 2001 on the file of the 4th respondent Police to some other agency and to reinvestigate the case.

For Petitioner : Mr.G.Pugazhenth

For R1 to R4 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed seeking for transfer of the case in Crime No.104 of 2001 on the file of the 4th respondent police.

2. The petitioner is having a Jewellery and Pawn Broker shop at Chidambaram. On 09.05.2001, a robbery was committed in the shop and 1¼ Kg of gold ornaments, 10 Kg of silver articles and cash were looted from the premises. Based on the complaint given by the petitioner, the 4th respondent registered an FIR in Crime No.104 of 2001, for offences under Sections 395 and 397 of IPC.

3. The learned counsel for the petitioner would submit that during the course of investigation, the accused persons were arrested and based on the confession, the stolen articles were also recovered. However, the entire articles that were recovered were not produced before the Court. The petitioner in this regard had also given a complaint to the higher authorities. Since no action has been taken, the present petition has been filed seeking for transfer of investigation.

4. The learned Additional Public Prosecutor on instructions would submit that the FIR pertains in the year 2001 and after a completion of the investigation, a final report has also been filed and the same has been taken on file in S.C.No.17 of 2014 on the file of the Assistant Sessions Judge, Chidambaram for offences under Sections 395 and 397 of IPC. The learned counsel would further submit that the stolen articles that were recovered have also been submitted before the Court below and therefore, at this stage, there is no question of changing the investigation and the case itself is at the stage of trial.

5. The main grievance of the petitioner is that the Inspector, who was investigating the case had recovered the entire stolen articles and only a part of the stolen articles were submitted before the Court and the rest was not submitted before the Court. The petitioner as the complainant, is entitled to bring this fact to the attention of the learned Assistant Sessions Judge at Chidambaram. The learned Assistant Sessions Judge, shall immediately conduct an enquiry in this regard and ensure that the entire articles that were recovered during the course of investigation are brought before the Court and are marked as material object in the course of trial. This direction will take care of the grievance that has been expressed by the petitioner.

6. Accordingly, this Criminal Original Petition is disposed of. Consequently, Connected Miscellaneous petitions is closed.

Sd/-

Assistant Registrar(CS iii)

//True Copy//

Sub Assistant Registrar

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To

1. The Director General of Police,
Kamaraj Salai,
Chennai - 4.
 2. The Inspector General of Police,
Villupuram Range,
Villupuram.
 3. The Superintendent of Police,
Cuddalore District,
Cuddalore.
 4. The State Rep. by
The Inspector of Police,
Kumaratchi Police Station,
Cuddalore District.
 5. The Assistant Sessions Judge, Chidhambaram
 - 6.do thro' The Principal Sessions Judge, Cuddalore
 - 7.The Public Prosecutor,
High Court, Madras.
- +1cc to Mr.G.Pugazhenthii , Advocate SR.No. 2267

CrI.O.P.No.719 of 2019
and CrI.M.P.No.450 of 2019

A.SK(19/02/2019)

सत्यमेव जयते

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