



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2019

CORAM

THE HONOURABLE Mr.JUSTICE P.VELMURUGAN

Crl.OP No.22499 of 2013

C.Palaniyandi ... Petitioner

- Vs -

State represented by
The Inspector of Police,
Mohanur Police Station,
Namakkal District.
(Crime No.477 of 2012)

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., to transfer the investigation in Crime No.477/2012 on the file of the Inspector of Police, Mohanur Police Station to some other independent agency more particularly CBCID, Namakkal or any other agency.

For Petitioner : No Appearance

For Respondent : Mr.R.Surya Prakash
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to transfer the investigation in Crime No.477/2012 on the file of the Inspector of Police, Mohanur Police Station to some other independent agency more particularly CBCID, Namakkal or any other agency.

2. It is sought to note that the case is filed under Section 174 Cr.P.C and the procedure adopted by the State Investigation Agency. After registering the FIR, they are sending the same to the Revenue Divisional Officer/Sub Divisional Magistrate and kept the matter pending with the Sub Divisional Magistrate.

3. When the matter is came up before this Court on 25.11.2019, this Court has directed the Registry to call for the records from the learned Judicial Magistrate No.II, Namakkal. The report filed by the respondent would show that charge sheet has been filed in Crime No.477 of 2012.



4. Now, the learned Government Advocate (Crl.Side) would submit that earlier the respondent police adopted the procedure to send the report to the Revenue Divisional Officer. After 2014, as per the directions of this Court, the reports have been sent to the Magistrate concerned. The fact remains that the respondent has not filed final report before the Magistrate concerned as on today. Further, he would submit that after investigation, the proceeding was dropped and the Revenue Divisional Officer sent the report to the learned Judicial Magistrate-II, Namakkal only in the month of November, 2019.

5. In view of the above submission, the learned Judicial Magistrate-II, Namakkal is directed to issue notice to the defacto complainant and proceed further in accordance with law.

6. With the above direction, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CS-VI)

// True Copy//

Sub Assistant Registrar

KMI

To

1.The Judicial Magistrate No.II,
Namakkal.

2. The Inspector of Police,
Mohanur Police Station,
Namakkal District.

3. The Public Prosecutor,
High Court, Madras-104.

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SJ(CO)
CSR:09.01.2020