

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.1149 of 2019
and Crl.M.P.Nos.753 and 754 of 2019

Rajamanickam

...Petitioner

Vs.

1. The Inspector of Police,
District Crime Branch,
Salem.

2.C.Velumani
3.S.Sekar
4.P.Valathirathinam @ Rathinavel
5.M.Rathinavel @ Mondirathinam
6.C.Rajendran
7.C.Krishnamoorthi
8.C.Arumugham
9.C.Marakkal
10.G.Sinnammal
11.P.Ganesan

....Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to transfer the investigation by directing the Inspector of Police, Vigilance & Anti Corruption, Salem to take over the case for further investigation in Crime No.29 of 2017 from the file of the Inspector of Police, District Crime Branch, Salem and investigate the case afresh.

For Petitioner : Mr.A.Ganesh
For R1 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking for transfer of investigation.

2. It is seen from the records that the F.I.R. was registered in this case in Crime No.29 of 2017 and a final report was also filed in which, this petitioner is shown as A10. The final report was taken on file in S.C.No.54 of 2018 by the learned II Additional District Judge, Salem. The case is at the stage of framing of charges.

3. The learned counsel for the petitioner would submit that based on the information collected under Right to Information Act, it is seen that the very basis of the prosecution case is false and the same is clearly reflected by the information provided by the Tahsildar Office, Salem. The learned counsel for the petitioner further submitted that these materials were not taken into consideration by the Investigation Officer before laying the charge sheet before the Court. This petitioner has already filed Crl.O.P.No.14943 of 2018 seeking to quash the proceedings in S.C.No.54 of 2018. The petition was withdrawn by the petitioner and consequently the same was dismissed on 10.07.2018.

4. The learned Additional Public Prosecutor submitted that the petitioner is again making one more attempt to start the proceedings all over again. Therefore, the learned Additional Public Prosecutor submitted that this petition may be dismissed.

5. The relief as sought for by the petitioner cannot be granted by this Court since the final report has already been filed. The petitioner is relying upon certain official documents to show that the entire basis on which the prosecution wants to built up the case is false. If the petitioner is in possession of documents which are sterling in quality, the same can be placed by the petitioner before the Court by filing an appropriate discharge petition. As and when the petitioner files this petition, the Court below shall consider the same on its own merits and in accordance with law. Except giving his liberty, no other directions can be passed by this Court.

6. Accordingly, this Criminal Original petition is disposed of. Consequently connected miscellaneous petitions are closed.

-s/d-
Deputy Registrar

True Copy

Sub-Assistant Registrar

vsa/msrm

To

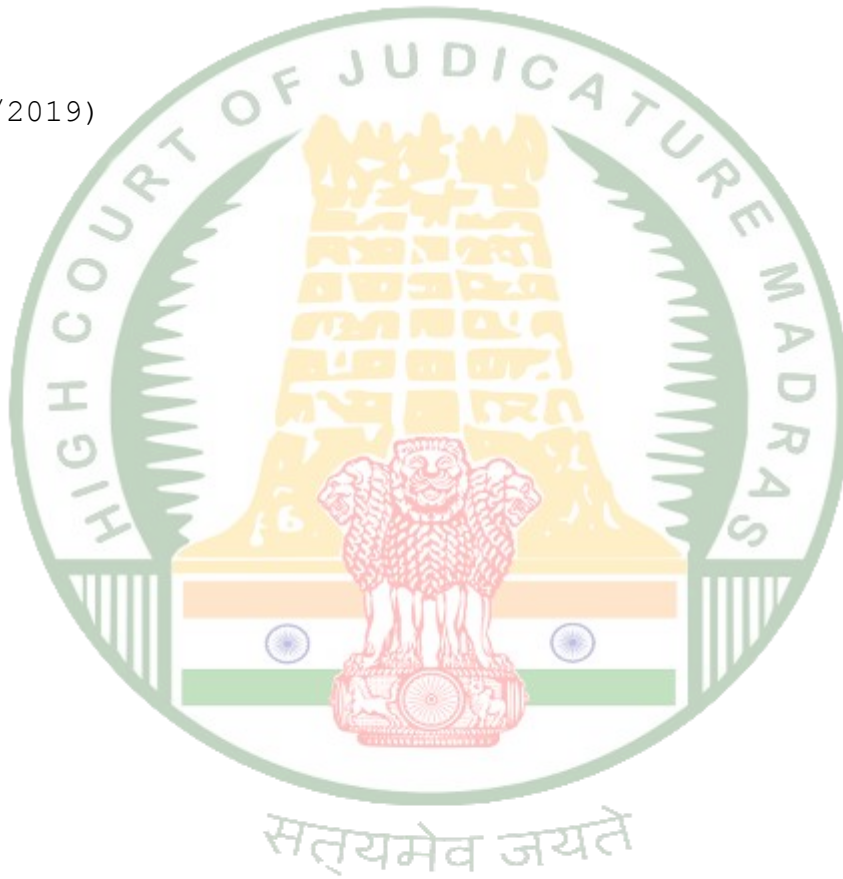
1. The Inspector of Police,
District Crime Branch,
Salem.

2.The Public Prosecutor,
High Court of Madras,
Madras.

+1 CC to Mr.A.Ganesh, Advocate sr 5327.

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SP(05/02/2019)



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