

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.11495 of 2018

1.T.K.Chendrasekhara Reddy
2.T.K.Vimala Reddy

...Petitioners

Vs.

State rep. by
The Inspector of Police
Law & Order
J-5, Sastri Nagar Police Station
Sastri Nagar
Chennai 600 020

....Respondent

PRAYER:Criminal Original Petition is filed under Section 482 of Cr.P.C., to transfer the investigation in pending before SC.No.148 of 2017 on the file of 1st Additional Judge, City Civil Court at Chennai and the same to any other Central Bureau of Investigation Agency (Central Government) and complete the same within the stipulated period of time.

For Petitioners : Mr.Subba Reddy

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed by the petitioner under Section 482 of Cr.P.C., to to transfer the investigation in pending before SC.No.148 of 2017 on the file of 1st Additional Judge, City Civil Court at Chennai and the same to any other Central Bureau of Investigation Agency (Central Government) and complete the same within the stipulated period of time.

2.The learned counsel appearing for the petitioners would submit that the petitioners brother was murdered by the accused and others on 21.01.2017. It is a gruesome, heinous crime and murder for gain. The deceased is a doctor and was Secretary of Tamil Nadu Unit of Indian Medical Association and All India

Joint Secretary of Indian Medical Association. The matter is now pending before the learned Additional Judge, City Civil Court at Chennai in S.C.No.148 of 2017 and one more Juvenile was also involved and that case is going on at Juvenile Justice Board in Kellys bearing Registration J.C.No.115 of 2017.

3.The learned counsel would further submit that the petitioners filed a petition in Crl.O.P.No.8756 of 2017 to refer the matter to Central Bureau of Investigation (Central). At that time the respondent came forward stating that the charge sheet has been filed and the matter is pending before the learned Additional Judge, City Civil Court at Chennai in S.C.No.148 of 2017. Unfortunately the concerned Judge is not available on that ground the matter is adjourned from time to time. The prosecution has recovered valuable properties like bonds, promissory notes, jeweleries and cash etc., and the incident took place as early as January 2017 though more than 14 months elapsed there is no progress and as the law laid down by the Apex Court that they must return all the properties to the court and then only the court is aware of the properties of the victim.

4.The learned counsel would further submit that even though the case is pending for more than 14 months in the Sessions Court i.e. I Additional Judge, City Civil Court, Chennai, there is no progress on the ground that the Presiding Officer is only in charge and not able to go further because concerned Judge happened to be in charge, it took considerable time even to get copies of the documents filed by the prosecution. Now the situation is even worse, the in-charge judge is also not available. Hence, the petitioners have lost their confidence on the present prosecution. Hence, this petition.

5.Heard the learned counsel for the petitioners and also the learned Additional Public Prosecutor.

6.Considering the facts and circumstances of the case, this court finds that there is a force in the submissions of the learned counsel for the petitioners and finds that it is a fit case for further investigation in Crime No.256 of 2017 on the file of the respondent.

7.Accordingly, the proceedings that are pending in S.C.No.148 of 2017 on the file of the learned 1st Additional Judge, City Civil Court, Chennai is stayed till the further investigation is completed.

8.The respondent is hereby directed to handover the entire case diary to the CBCID, Chennai for further investigation in Crime No.256 of 2017. On receipt of the same, the CBCID is

directed to complete the further investigation within a period of three months from the date of receipt of a copy of this order and file a final report before the concerned Court.

9. Thereafter, the learned 1st Additional Judge, City Civil Court, Chennai is directed to take the same on file and proceed with the trial in S.C.No.148 of 2017 within a period of three months.

10. Accordingly, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (Insp. Cell)

//True copy//

Sub Assistant Registrar

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To.

1. The Inspector of Police
Law & Order
J-5, Sastri Nagar Police Station
Sastri Nagar
Chennai 600 020

2. The Public Prosecutor, High Court of Madras

+3cc to Mr. P. Subbareddy, Advocate SR.No.30806

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AD(CO)
GMY(26/04/2019)

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