

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7241 of 2019

K.P.Sakthivel

... Petitioner

Vs.

1.Superintendent of Police,
Vellore,
Vellore District.

2.Deputy Superintendent of Police,
Vaniyambadi,
Vellore District.

3.The Inspector of Police,
Vaniyambadi Police Station,
Vellore District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to change the investigation from 3rd respondent herein to any other agency in Crime No.37 of 2014, pending investigation on the file of the 3rd respondent.

For Petitioner : Mr.G.Muthukumar

For Respondents: Mr.M.Mohamed Riyaz
Government Advocate (Crl.side)

ORDER

This petition has been filed seeking to change the investigation from 3rd respondent herein to any other agency in Crime No.37 of 2014, pending investigation on the file of the 3rd respondent.

2.The complainant is present before this Court and it is seen that he had sustained very grievous injuries. It is seen that the crime case has been registered in the year 2014, for the offences under Section 294(b), 307, 379 and 506(ii) IPC.

Even then, after lapse of five years, the 3rd respondent did not take any steps to secure the accused and did not even enquire the complainant. The F.I.R., is simply kept pending without any progress. Therefore, this Court directed the 3rd respondent viz., the investigation officer to be present before this Court.

3.Today, the investigation officer is present and expressed that he is not able to explain the delay in conducting the enquiry. It shows that the 3rd respondent has culminated with the accused and did not take any steps to conduct the enquiry. Therefore, this Court deems it fit to transfer the investigation in Crime No.37 of 2014 on the file of the 3rd respondent to some other agency.

4.In the result, this Criminal Original Petition is allowed. The case in Crime No.37 of 2014 is hereby withdrawn from the file of the 3rd respondent Police, viz., The Inspector of Police, Vaniyambadi Police Station, Vellore District and the same is transferred to the CB CID, Vellore Unit. The 3rd respondent is directed to handover the entire papers pertaining to Crime No.37 of 2014 within a week from the date of receipt of copy of this order. On receipt of the same, the Inspector of Police, CB CID, Vellore Unit is directed to complete the investigation and file a final report within a period of three months on receipt of the case bundle.

5.The 2nd respondent viz., Deputy Superintendent of Police, Vaniyambadi, Vellore District. is directed to ensure that the 3rd respondent handed over the entire case papers to the Inspector of Police, CB CID, Vellore Unit.

Sd/-

Assistant Registrar (CS IX)

//True Copy//

Sub Assistant Registrar

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To:

1. Superintendent of Police,
Vellore,
Vellore District.
2. Deputy Superintendent of Police,
Vaniyambadi,
Vellore District.
3. The Inspector of Police,
Vaniyambadi Police Station,
Vellore District.

4.The Public Prosecutor,
High Court, Madras.

5.The Inspector of Police,
CBCID, Vellore District.

+1cc to Mr.G.Muthukumar, Advocate, S.R.No.40998

Cr1.O.P.No.7241 of 2019

SPD(CO)

RRS (30/04/2019)



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