



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2019

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.28917 of 2014

Jayamani

... Petitioner

Versus

The Assistant Commissioner,
Kondalampatti Police Station,
Salem-10.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to transfer the F.I.R in Crime no.654 of 2010 from the file of the respondent herein to C.B.C.I.D for fair investigation.

For Petitioner : M/s.J.Franklin

For Respondent : M/s.M.Prabhavathy,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to transfer the investigation in Crime No.654 of 2010 from the file of the respondent to CBCID.

2.The petitioner's son Nandakumar was found missing on 20.10.2010 at the age of 16 years old, while he was studying 10th std in Salem and staying in Backward Welfare Hostel, Uthamacholapuram Village, Salem, which fact was informed to the petitioner on 07.10.2010 by one Palani, cook of the said hostel. Thereafter, the petitioner had lodged a complaint to the respondent Police. In the meanwhile, the school authorities had also lodged a complaint on 21.10.2010. Till date the petitioner's son is yet to be traced. Further, the petitioner filed H.C.P.No.865 of 2014 and the same was dismissed as withdrawn on 01.04.2014. The contention of the learned counsel for the petitioner that the police have not taken any steps to find out the said Nandakumar and did not conduct any



investigation. Hence, he sought for transfer of investigation to CBCID.

3.The learned Additional Public Prosecutor appearing for the respondent filed a status report and case diary in Crime No.654 of 2010. On perusal of the same, it is found that 43 students were staying at the Backward Welfare Hostel, Uthamacholapuram Village, Salem. One Rajendiran, Supervisor of Government Men's Hostel had given a complaint before the respondent Police about the petitioner's son Nandakumar gone missing and he also informed to the petitioner. On receipt of the same, the respondent Police registered a case in Crime No.654 of 2010 for boy missing on 21.10.2010. Thereafter, the respondent has been taken various steps by enquiring inmates of the said hostel, warden, friends and relatives of the said Nandakumar, telecasting boy missing information in local TV, affixed pamphlets, photos were also placed in the public places and through State Crime Records Bureau to all the police station in Tamil Nadu. The Team went to various places in and around Salem, Namakkal and other places and also collected information about the unidentified dead bodies of male person in the age of Nandakumar, but he could not be traced. Despite change of officers during the period of investigation, all of them have regularly taken up the case and followed the investigation.

4.On perusal of the case diary, photographs, pamphlets and other records, this Court finds that the respondent so far had taken earnest steps in conducting the investigation and to secure the petitioner's son Nandakumar. Hence, the transfer of investigation does not arise.

5.This Criminal Original Petition is disposed of, with the direction to the respondent police to continue the investigation and take all earnest steps to secure the petitioner's son Nandakumar and also inform the petitioner about the stage and progress of the investigation regularly as and when she approaches in this regard. As and when the said Nandakumar is found, the petitioner to be informed by the respondent Police.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar



vv2

To

WEB COPY

1.The Assistant Commissioner,
Kondalampatti Police Station,
Salem-10.

2.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.28917 of 2014

sj(co)
nr 20/01/2020