

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.17562 of 2019
and CrI.M.P.No.8878 of 2019

K.Thangavelu

...Petitioner

Vs.

1. The Director General of Police,
Puducherry.

2. The Superintendent of Police
CBCID,
Puducherry.

3. The State, Rep.by
The Inspector of Police,
CBCID PS,
Puducherry.
Crime No.5 of 2019

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., praying to transfer the investigation in Crime No.5 of 2019 on the file of the 3rd respondent to any other competent agency (Tamilnadu).

For Petitioner : Mr.Sugendran.S

For Respondent : Mr.Barathachakravathy
Public Prosecutor
Puducherry

O R D E R

This petition has been filed seeking for transfer of investigation in Crime No.5 of 2019 on the file of the 3rd respondent to any other competent agency (Tamilnadu).

2. This Court passed the following order on 05.01.2019.

"The petitioner is directed to appear before the

third respondent on 12.07.2019 at 10.30 a.m in obedience of the notice issued under Section 41-A of Cr.P.C. The 3rd respondent shall enquire the petitioner and take his statement.

Post this case on 15.07.2019."

3. The learned counsel for the petitioner as well as the learned Public Prosecutor appearing on behalf of the respondent police submitted that the petitioner appeared before the third respondent on 12.07.2019 and his statement was also recorded.

4. The learned Public Prosecutor submitted that the petitioner is an accused in this case and as and when his appearance is required in the course of investigation, he should appear before the police.

5. The learned counsel for the petitioner submitted that the petitioner is being forced to settle the case with the de-facto complainant.

6. This Court does not find any ground to transfer the investigation which is now pending before the 3rd respondent police. The petitioner being an accused in this case, is duty bound to appear before the respondent police as and when required during the course of investigation. The petitioner cannot escape from the responsibility on the ground that he is being harassed by the respondent police. Since the respondent police is making the petitioner appear, after giving notice under Section 41-A of Cr.P.C, the liberty of the petitioner is sufficiently safeguarded.

7. In the result, this Criminal Original Petition is disposed of with a direction to the respondent police to complete the investigation and file a final report within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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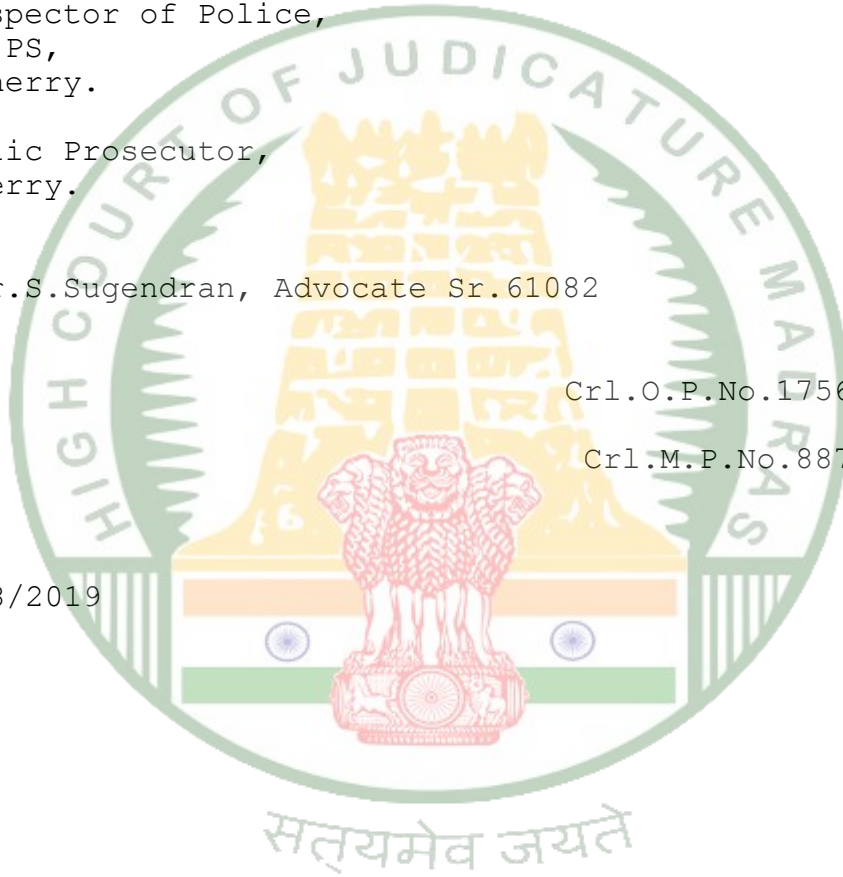
To

1. The Director General of Police,
Puducherry.
2. The Superintendent of Police
CBCID,
Puducherry.
3. The Inspector of Police,
CBCID PS,
Puducherry.
4. The Public Prosecutor,
Puducherry.

+1cc to Mr.S.Sugendran, Advocate Sr.61082

CrI.O.P.No.17562 of 2019
and
CrI.M.P.No.8878 of 2019

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srg 08/08/2019



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