

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.20466 of 2019

B.Krishnaveni

... Petitioner

Vs.

1. The Senior Superintendent of Police,
(Law and Order), Puducherry.
 2. The Superintendent of Police,
Police Department,
Puducherry.
 3. State Rep. Inspector of Police,
By the Station House Officer,
Lawspet Police Station, Puducherry,
Cr. No.73/2009.
- ... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure seeking to direct the 3rd respondent to transfer the investigation in Cr.No.73/2009 on the file of the respondent police, Lawspet Police Station to transfer the same to CB CID.

For Petitioner : Mr.Pavel V

For Respondents : Mr.D.Bharatha Chakravathy
Public Prosecutor (Puducherry)

ORDER

This petition has been filed seeking for a direction to transfer the investigation pending in crime No.73 of 2009, on the file of the third respondent.

2. It is seen from the records that during April 2009, when the petitioner was not present in the house, the house was broken open and gold ornaments and money was stolen from the house of the petitioner. Based on the complaint given by the petitioner, an FIR came to be registered by the respondent police in Crime No.73 of 2009 for the offences under Sections

457 and 380 IPC. Initially the respondent police had filed a closure report on the ground that the accused are "Non-traceable". This fact was not accepted by the court below and the court below directed investigation to be continued, since the court below felt that the investigation officer has not taken any steps to compare the finger prints that were lifted from the scene of occurrence. Thereafter, investigation continued.

3. The learned counsel for the petitioner submitted that there has been absolutely no progress in the investigation till today and the respondent police have not recovered any of the stolen property nor have they identified the accused involved in this case.

4. The learned Public Prosecutor appearing on behalf of the respondent police submitted that the investigating officer has already compared the finger prints with that of some of the history sheeters who are involved in similar crimes and also with the Crime Records Bureau, Trichy and till date, the investigating officer is not able to match the finger prints. Therefore, the investigation continues and as and when the investigating officer is able to find some clue in this case or the finger prints matches with any of the accused person, the investigation will thereafter be concluded by identifying the accused person and after recovering the stolen property.

5. This Court has carefully considered the submissions made on either side and the materials available on record.

6. The respondent police are doing their best to identify the accused persons in this case. Unless the accused person is identified, there is no question of recovering the stolen property. Therefore, no useful purpose will be served by transferring the investigation at this stage and it will be more appropriate to allow the third respondent to continue with the investigation. However, in order to supervise the investigation, this Court deems it fit to direct the second respondent viz., The Superintendent of Police (North), Puducherry to monitor the investigation conducted by the third respondent.

7. This Criminal Original Petition is disposed of with a direction to the third respondent to continue the investigation effectively and the same shall be monitored by the second respondent viz., The Superintendent of Police (North),

Puducherry and the investigation shall be completed as expeditiously as possible and final report shall be filed before the appropriate court.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Senior Superintendent of Police,
(Law and Order), Puducherry.
2. The Superintendent of Police,
Police Department,
Puducherry.
3. State Rep. Inspector of Police,
By the Station House Officer,
Lawspet Police Station, Puducherry,
Cr. No.73/2009.
4. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.V.Pavel, Advocate, S.R.No.65761

+1 cc to the Public Prosecutor for Pondicherry, S.R.No.65669

CrI.O.P.No.20466 of 2019

SVI(CO)
SSM(09/09/2019)

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