

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

CRL.OP.No.23053 OF 2019

Ambika

... Petitioner/Defacto Complainant

Versus

State Rep. by
The Inspector of Police,
Banavaram Police Station,
Banavaram,
Vellore District.
(Crime No.20 of 2019)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to transfer the investigation in Crime No.20 of 2019 on the file of the Inspector of Police, Banavaram Police Station, Banavaram, Vellore District to some other investigation officer / agency from the respondent Police.

For Petitioner : Mr.G.Mohanakrishnan

For Respondents: Mr.lyyapparaj
Addl.Public Prosecutor (Crl.Side)

O R D E R

The main ground on which the petitioner sought for transfer of investigation is that earlier the accused had filed a bail petition in which the respondent police had submitted that the victim was discharged from hospital. Subsequently, it was found that the victim was still in hospital. Hence, the petitioner had sought for cancellation of bail and by an order dated 28.03.2019 in Cr.No.4328 of 2019, this Court had observed that the accused had played fraud in obtaining the bail and thereby cancelled the bail itself. There was a further direction of this Court in the said order that the respondent police should immediately secure the accused and proceed against him in accordance of law. Though the order was passed on 23.08.2019 the accused is yet to be secured. In these circumstances, since there is no progress on the part of investigation officer, the petitioner seeks for transfer of investigation.

2. The learned Additional Public Prosecutor, on instructions, submitted that earlier investigation officer has been transferred and no prejudice will be caused if the state Police is allowed to investigate the case. The learned Additional Public Prosecutor also submits that the respondent herein is taking earnest steps to complete the investigation.

3. I have carefully considered the submissions.

4. It is not in dispute that earlier when the accused had sought for bail, there was representation made by the first respondent police stating that the victim was discharged from the hospital, which proved to be false and consequentially the bail came to be cancelled with a direction to the first respondent to secure the accused. It is also not in dispute that the accused is yet to be secured and more than six months has been lapsed.

5. When the petitioner herein has come before this Court making all these complaints against the investigation officer it would be appropriate for this Court to permit the same officer to proceed with the investigation. As such, I am of the view that this is a fit case where the investigation could be transferred to some other investigation officer. The Superintendent of Police would be a proper party to allot the investigation work to some other Inspector of Police.

6. In the light of the above observations, the Superintendent of Police, Vellore District is called upon to appoint an investigation officer other than respondent herein for the purpose of investigating the petitioner's complaint in Cr.No.20 of 2019. The Superintendent of Police shall also monitor such investigation after the transfer. The Superintendent of Police, Vellore District, shall endeavor to convert exercise of transfer of investigation to the fresh investigating officer as expeditiously as possible, in any event, within a period of two weeks from the date of receipt of a copy of this order. The Criminal Original Petition stands disposed of.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

bkn

To

1.The Inspector of Police,
Banavaram Police Station,
Banavaram,
Vellore District.

2.The Superintendent of Police
Vellore District

3.The Public Prosecutor,
Madras High Court.

+1 CC to Mr.G.Mohanakrishnan, Advocate sr 79083.

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PVS (CO)
SP(30/10/2019)



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