

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2019

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.26848 of 2017

R.Sundrasami Gounder

... Petitioner

Vs.

1. The Superintendent of Police,
Coimbatore.
 2. The Deputy Superintendent of Police,
Perur, Coimbatore.
 3. The Inspector of Police,
K.G.Chavadi Police Station,
Coimbatore.
- ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C to transfer the investigation of Crime No.661 of 2016 on the file of the 3rd respondent to CB-CID or any other competent Authority.

For Petitioner : Mr.T.Gowthaman

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original petition has been filed seeking for transfer of investigation in Crime No.661 of 2016 pending on the file of the third respondent police.

2. The learned Additional Public Prosecutor would submit that the investigation has already been completed and a charge sheet has been filed on 19.04.2017 before the learned Judicial Magistrate No-7, Coimbatore and the same is yet to be numbered.

3. The learned counsel for the petitioner submitted that there are 30 named accused in this case and in the final report,

the name of one of the accused has been shown and therefore, the Court below is refusing to take cognizance of the final report.

4. It is a settled law that the Court below is not bound to take cognizance and it is not to act like a post office and based on the materials, the Court can always take cognizance even as against accused persons whose names have been dropped in the final report. In other words, the Court below is not bound by the final report filed by the respondent police and the Court below can come to its own decision based on the materials collected during investigation.

5. It is also open to the petitioner to bring to the notice of the Court below about the illegal action on the part of the respondent police in dropping the names of 29 accused persons.

6. This Criminal Original Petition is disposed of. There shall be a direction to the Court below to take into account, the materials collected by the respondent police and take cognizance of the final report as against the accused persons against whom there are materials and thereafter, proceed further in accordance with law.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

msrm/rri

To

1. The Judicial Magistrate No-7,
Coimbatore.
2. The Superintendent of Police,
Coimbatore.
3. The Deputy Superintendent of Police,
Perur, Coimbatore.
4. The Inspector of Police,
K.G.Chavadi Police Station,
Coimbatore.

5.The Public Prosecutor,
Madras High Court, Madras.

+1 cc to Mr.T.Gowthaman, Advocate, Sr.No. 49741

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CSL/15.07.2019



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