



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE
Cr1.O.P.[MD]No.4400 of 2019

WEB COPY

Baby : Petitioner

/Vs./

1.State of Tamil Nadu represented by,
The Inspector of Police,
Kotticode Police Station,
Kanyakumari District.
(In Cr.No.9/2019, u/s.452,294(b),302 IPC)

2.The Superintendent of Police,
Kanyakumari District, Nagercoil.

3.Jeyasingh

4.Rathinadass

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent police to transfer the investigation in Cr.No.9/2019 on the file of the 1st respondent and from 1st respondent to CBCID Police of Kanyakumari District or to the District Crime Branch, Nagercoil.

For Petitioner : Mr.S.Titus

For R1 & R2 : Mr.V.Neelakandan

Additional Public Prosecutor

ORDER

The present petition is filed seeking transfer of investigation in Crime No.9 of 2019 registered *inter alia* under Section 302 IPC.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first and second respondents.

3. The petitioner, mother of the victim, in her complaint discloses bodily involvement of two named accused persons. As per the status report filed today, pursuant to the direction given by this Court on 25.03.2019, both the accused persons were taken into custody by the Investigating Officer on the very next day and the statement of as many as 12 witnesses have been recorded.

4. When queried as to what materials the petitioner has to suspect the ongoing investigation, the learned counsel appearing for the petitioner would submit that one of the cellphones of the accused was there in the Scene of Crime, which incidentally is the house of the petitioner, and the same was seized by the



investigating officer. But, it has not been produced before the Court yet.

5. In view of the above, if the petitioner has better information than what is now available to the investigating officer, then the petitioner is at liberty to share the same with the investigating officer who shall receive them in the manner known to law provided for under the code.

6. The second respondent is directed to monitor the course of investigation. For the present, this Court does not have stronger materials as to warrant transfer of investigation at this stage. Accordingly, this petition is dismissed with the above direction and observation.

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Inspector of Police,
Kotticode Police Station,
Kanyakumari District.
2. The Superintendent of Police,
Kanyakumari District,
Nagercoil.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.Titus, Advocate, SR.No. 57680

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SM/VSD
KK/SAR/10.05.2019/ 2P- 5C