



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE. N.SESHASAYEE

CRL.O.P.[MD].No. 21540 of 2018

and CRL. M.P.[MD] No.9972 of 2018

S. Rajarathinam

: Petitioner/defacto complainant

Vs.

1. The State represented by
The Sub-Inspector of Police,
Pazhavor Police Station,
Radhapuram Taluk,
Tirunelveli District. : 1st Respondent/Complainant
2. The Deputy Superintendent of Police,
CBCID, Tirunelveli,
Tirunelveli District. : 2nd Respondent
3. G. Issac Selvakumar
4. Carlose
5. Stephen Jones
6. Kumar : Respondents-3 to 6 /Accused

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to transfer the investigation in Crime No.249 of 2018 dated 15.11.2018, on the file of the first respondent to the CBCID/2nd respondent and to direct the second respondent to file the final report, within stipulated period.

For Petitioner : Mr.V.Rajiv Rufus
For Respondents-3 & 4 : Mr.A.P.G.Ohm Chaima Prabhu
Government Advocate(Crl.Side)

ORDER

This petition has been filed by the petitioner, to transfer the investigation in Crime No.249 of 2018 dated 15.11.2018, on the file of the first respondent to the CBCID/2nd respondent and to direct the second respondent to file the final report, within stipulated period.

2. The learned counsel for the petitioner submitted that the petitioner is a practicing lawyer and he has preferred a complaint against the third party before the 1st respondent police and as there was abject failure on the part of the police to act



on it the petitioner has moved the learned Magistrate with a private complaint and the learned Magistrate has referred the matter to the same police Station, and on the very night, the petitioner was abducted by respondents-3 to 6 who are all police officials. He further submitted that, in this regard, the petitioner has preferred another complaint, before the learned Additional District Judge (PCR Court) to take action against the police officials, under the relevant provision of the SC/ST Atrocities Act, 1989, and the Court has directed and as a case was registered in Crime No.249 of 2018, against the 3rd respondent only under Section 3(1)(r), (s) and 3(2)(va) of SC & ST (Prevention of Atrocities) Amended Act, 2015. He further submitted that, inasmuch as, the respondents-3 to 6/police officials which included a Deputy Superintendent of Police, it is necessary to transfer the case to CBCID for investigation. He further submitted that when the petitioner was abducted, his wife messaged through cell phone to the Superintendent of Police, Tirunelveli District about the said abduction, but, he did not act.

3. The learned Government Advocate (Criminal Side) would submit that the investigation of this case is now been handed over to Mr.Harihar Prasad, Assistant Superintendent of Police who has assumed charge about a month back.

4. Considering the facts and circumstances of the case, the Deputy Inspector General of Police, Tirunelveli is directed to constitute a team comprising of any of the police station, to be headed by Assistant Superintendent of Police and shall monitor the investigation personally. The investigation team is directed to complete the same and lay his final report, within a period of three months from today.

5. With the above direction, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (ADI)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Sub-Inspector of Police,
Pazhavor Police Station,
Radhakrishnan Taluk,
Tirunelveli District.



2. The Deputy Superintendent of Police,
CBCID, Tirunelveli,
Tirunelveli District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

1 CC to M/s.V.RAJIV RUFUS, Advocate(SR-52517[F] dated
08/03/2019)

KSA

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07.03.2019

KM/(10.04.2019) 3P 5C