



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2019

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THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P. (MD) No.6293 of 2019

and

W.M.P. (MD) .No.5016 of 2019

A.Veeramani

... Petitioner

Vs.

1.The State of Tamil Nadu represented by
Principal Secretary,
Home Department, St. George Fort, Chennai.

2.The Director General of Police,
Office of the DGP, Radhakrishanan Salai,
Mylapore, Chennai.

3.The Additional Director General of Police,
Crime Branch Crime Investigation Department (CBCID),
Office of the ADGP (CBCID),
Kamarajar Salai, Kailasapuram, Mylapore,
Chennai-600 005.

4.The Superintendant of Police,
Office of the Superintendant of Police,
Theni District.

5.The District Collector,
Theni District.

6.The Inspector of Police,
Rajathani Police Station,
Theni District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondent No.2 to withdraw the case in crime No.84 of 2019, on the file of the respondent No.6 and entrust the case to Respondent No.3 for conducting the investigation after including section 302 of Indian Penal Code and section 3 (2)(v) of the Scheduled castes and Scheduled tribes(prevention of atrocities) Act 1995 and under the Bonded labour Abolition Act 1976 in accordance with law.

**ORDER**

The present petition is filed seeking transfer of investigation of the case in Crime No.84 of 2019, now pending investigation on the file of the sixth respondent.

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2.The primary allegation in the case is that a person from the Scheduled caste Community was murdered. But it is being investigated as if it is a case under Section 174 Cr.P.C. An autopsy was conducted initially on the body of the victim and this Court vide its order dated 15.03.2019, had directed the second autopsy and both shows that there are two injuries which indicate that the death may not be a natural death.

3.The learned Government Advocate (Crl. side) appearing for the respondents would now submit that the case has since been altered into one under Section 302 I.P.C. and the relevant provisions of Sections 3 (1) (ii) and 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989. She also added that the Deputy Superintendent of Police, Andipatty, has been appointed as the Investigating Officer for this case and the investigation is underway.

4.The learned counsel appearing for the petitioner fervently submitted that the investigation should be transferred to the third respondent.

5.Therefore, the first leg of the prayer for transferring the Investigation Officer has already been accomplished. So far as the second aspect of the prayer is concerned, *prima facie* this Court does not find any material that warrants transfer to the third respondent. If at all the petitioner has some materials to share which may throw some valuable light on the investigation process, he may share the same with the present investigating officer.

6.The Writ Petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

tsg

To

1.The Principal Secretary,
Home Department, St. George Fort, Chennai.



2.The Director General of Police,
Office of the DGP, Radhakrishanan Salai,
Mylapore, Chennai.

3.The Additional Director General of Police,
Crime Branch Crime Investigation Department (CBCID),
Office of the ADGP (CBCID),
Kamarajar Salai, Kailasapuram, Mylapore,
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4.The Superintendant of Police,
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5.The District Collector,
Theni District.

6.The Inspector of Police,
Rajathani Police Station,
Theni District.

+1CC TO MR.R.ALAGUMANI, Advocate Sr. No. 59698

Order made in
W.P. (MD) No. 6293 of 2019
04.04.2019

DB (CO)
TR (03.05.2019) 3P 8C