

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 25.01.2019****CORAM:****WEB COPY****THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
Crl.O.P. (MD)No.19580 of 2018**

Jestin

: Petitioner

Vs.

1.The Superintendent of Police,
O/o. The Superintendent of Police,
Palayamkottai, Tirunelveli District.

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

3.The Inspector of Police,
Thisaiyanvilai Police Station,
Tirunelveli District.
In Crime No.331 of 2018

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to transfer the investigation in the above case in Crime No.331 of 2018 from the file of the Inspector of Police, Thisaiyanvilai Police Station to the Crime Branch, Criminal Investigation Department of any District within the State of Tamil Nadu.

For Petitioner : Mr.B.N.Raja Mohamed

For Respondents : Mr.A.Robinson, G.A.(Crl.side)

ORDER

This Criminal Original Petition has been filed to transfer the investigation in the above case in Crime No.331 of 2018 from the file of the Inspector of Police, Thisaiyanvilai Police Station to the Crime Branch, Criminal Investigation Department of any District within the State of Tamil Nadu.

2.The learned counsel for the petitioner would submit that the petitioner is the younger brother of one Jeniffer, who was working as a Journalist in a daily newspaper named Dhina Boomi. He would submit that due to the harassment made by the Sub-Inspector of Police, belonging to the 3rd respondent police, his brother was very much depressed and he died under mysterious circumstances. Based on a complaint, the 3rd respondent registered a case in Crime No.331 of 2018, under Section 174 Cr.P.C.,. Since, the allegation was against the Sub-Inspector of Police, belonging to the 3rd respondent police station, the petitioner apprehended that the 3rd respondent may not conduct the investigation in a proper manner and



would take steps to cover up the case in order to protect the Sub-Inspector of Police and thereby he sought for transfer of investigation to some other agency other than the local police.

3.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the investigation by the 3rd respondent is done in a fair manner. However, since the petitioner has some apprehension against the investigation, the respondent police has no objection in the investigation being transferred to some other agency outside the jurisdiction of Tirunelveli District.

4.The learned counsel appearing for the petitioner at this juncture would submit that it would be suffice that the investigation of the case may be transferred to some superior officer belonging to the nearest District namely Thoothukudi and he would pray that suitable directions may be issued to such transferee officer to conduct the investigation in an effective manner.

5.In view of the above, this Court deems it fit to transfer the investigation to the Deputy Superintendent of Police, Tiruchendur Range, and the investigation shall be monitored by the Additional Superintendent of Police, Thoothukudi. The third respondent shall immediately hand over the entire case file in Crime No.331 of 2018 to the Deputy Inspector General, Tirunelveli Range, who in turn shall issue appropriate orders transferring the investigation of the case in Crime No.331 of 2018 to the Deputy Superintendent of Police, Tiruchendur, within a period of two weeks from the date of receipt of a copy of this order and thereafter, the Deputy Superintendent of Police, Tiruchendur, shall complete the investigation and file the final report before the concerned Judicial Magistrate within a period of three months from the date of receiving the case file from the Deputy Inspector General, Tirunelveli Range and the investigation shall be monitored by the Additional Superintendent of Police, Thoothukudi.

With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

Sub Assistant Registrar (CS)

gns/Jer



To

- 1.The Superintendent of Police,
O/o. The Superintendent of Police,
Palayamkottai, Tirunelveli District.
- 2.The Deputy Superintendent of Police,
Valliyur, Tirunelveli District.
- 3.The Inspector of Police,
Thisaiyanvilai Police Station,
Tirunelveli District.
- 4.The Deputy Inspector General, Tirunelveli Range.
- 5.The Deputy Superintendent of Police,
Tiruchendur, Thoothukudi District.
- 6.The Additional Superintendent of Police, Thoothukudi.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR.B.N.RAJA MOHAMED, Advocate Sr. No. 43293

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25.01.2019

TR (19.03.2019) 3P 9C