

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATE: 14.08.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN**Crl.O.P. (MD) .No.11414 of 2019****and****Crl.M.P. (MD) .No.7150 of 2019**

R.Rajesh

... Petitioner

-Vs-

- 1.The Director General of Police,
DGP Office,
Kamarajar Salai, Chennai.
- 2.The Deputy Inspector General of Police,
Tirunelveli Division,
Tirunelveli.
- 3.The Superintendent of Police,
Kanyakumari District,
Nagercoil.
- 4.The Deputy Superintendent of Police,
Thucklai Division,
Thucklai,
Kanyakumari District.
5. The Inspector of Police,
CBCID, Nagercoil,
Kanniyakumair District.
6. The Inspector of Police,
Kulasekaram Police Station,
Kanyakumari District,
Crime No.117 of 2019.
7. John Ebanesar

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., seeking to transfer the investigation in Crime No.117 of 2019 from the file of the sixth respondent to fifth respondent or any other independent investigation officer under the supervision of the third respondent.

For Petitioner

: Mr.M.R.Sreenivasan

<https://hcservices.ecourts.gov.in/hcservices/ToR6>

: Mr.K.K.Ramakrishnan

Additional Public Prosecutor

**ORDER**

This criminal original petition has been filed seeking to transfer the investigation in Crime No.117 of 2019 from the file of the sixth respondent to the fifth respondent or any other independent investigation officer under the supervision of the third respondent.

2. The petitioner is accused No.2 in Crime No.117 of 2019 and he has been charged with for the offences under Sections 457 and 380 of I.P.C. Alleging that the petitioner is not involved in the above said crime and he has been falsely implicated in this case, he sought for transfer of investigation.

3. The learned Government Advocate (Crl.side) on instructions would submit that originally the case of theft was registered against A1 and based on the confession given by A1, the petitioner is also arrayed as an accused. Now, materials collected during investigation, clearly shows that the involvement of the petitioner and the petitioner is also absconding and only in order to escape from the arrest, the present petition has been filed.

4. I have heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) and perused the materials available on record.

5. The petitioner is an accused. First of all he has no right to seek transfer of investigation. That apart, now it is submitted that, the confession of the co-accused and also other materials prima facie shows the involvement of the petitioner. Hence, the criminal original petition is dismissed. However, since the investigation is commenced, the sixth respondent is directed to complete the investigation within a period of two months from the date of receipt of a copy of this order and the fourth respondent is directed to monitor the investigation. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Director General of Police,
DGP Office,
<https://hcservices.ecourts.gov.in/hcservices/>
Kamarajar Salai, Chennai.



2. The Deputy Inspector General of Police,
Tirunelveli Division,
Tirunelveli.

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

4. The Deputy Superintendent of Police,
Thucklai Division,
Thucklai,
Kanyakumari District.

5. The Inspector of Police,
CBCID, Nagercoil,
Kanniyakumair District.

6. The Inspector of Police,
Kulasekaram Police Station,
Kanyakumari District,
Crime No.117 of 2019.

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

+1 CC to Mr.M.R.SREENIVASAN, Advocate (SR-81645[F] dated
14/08/2019)

Cr1.O.P. (MD) .No.11414 of 2019

14.08.2019

AKV

MK (17.09.2019) 3P 9C