



WEB COPY

CrI.O.P.(MD)No.14111 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.(MD)No.14111 of 2019

and

CrI.M.P.(MD)No.8578 of 2019

M. Stephen Daniel

... Petitioner/Complainant

-Vs-

1.The Commissioner of Police

Tirunelveli City, Tirunelveli.

2.The Assistant Commissioner of Police,
City Crime Branch, Tirunelveli.

3.The Inspector of Police,
City Crime Branch, Tirunelveli.

4.The Deputy Superintendent of Police,
CBCID, Tirunelveli Range, Tirunelveli.

5.The Inspector of Police
CBCID, Tirunelveli

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to transfer the investigation in Crime No.21 of 2019 on the file of the third Respondent Police to the fifth respondent and further direct the fifth respondent to investigate the case and file final report within time stipulated by this Court.

For Petitioner
For Respondents

: Mr.D.Sadiq Raja
: Mr.K.Suyambulinga Bharathi
Government Advocate(crl.side)

O R D E R

This Criminal Original Petition has been filed to transfer the investigation in Crime No.21 of 2019 from the file of the third respondent to the file of the fifth respondent.

2.Heard the learned counsel for the petitioner and the learned Government Advocate(Crl.Side) for the respondent police.

3.On the complaint lodged by the petitioner, a case has been registered in Crime No.21 of 2019 for the offences under Sections 120B, 4063, 406, 409, 418 and 420 I.P.C. as against two accused persons.



4.The learned counsel for the petitioner would submit that till today the petitioners has not been enquired by the third respondent. Further, the third respondent did not even take steps to secure the accused persons, since they committed very serious offence.

5.It is seen from the status report filed by the third respondent that there are money transaction between the petitioner and the accused persons, so far the accused persons returned some of the amount and balance amount is there. Therefore, the third respondent did not secure the accused person for interrogation. That apart, the third respondent did not examine the petitioner and did not even record any of the evidence and statement of the witness as contemplated under Cr.P.C and therefore, it is a fit case for transfer of investigation. Hence, this Criminal Original Petition is allowed and Crime No.21 of 2019 and the Case Diary pursuant to Crime No.21 of 2019, is hereby withdrawn from the file of the third respondent and the same is transferred to the Inspector of Police, District Crime Branch, Tirunelveli, forthwith. On receipt of the same, the **Inspector of Police, District Crime Branch, Tirunelveli**, is directed to complete the investigation and file the final report within a period of three months therefrom. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

Is

To

- 1.The Commissioner of Police
Tirunelveli City, Tirunelveli.
- 2.The Assistant Commissioner of Police,
City Crime Branch, Tirunelveli.
- 3.The Inspector of Police,
City Crime Branch, Tirunelveli.
- 4.The Deputy Superintendent of Police,
CBCID, Tirunelveli Range, Tirunelveli.



5.The Inspector of Police
CBCID, Tirunelveli.

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

Copy to

The Inspector of Police,
District Crime Branch,
Tirunelveli.

+1 CC to Mr.D.SADIQ RAJA, Advocate (SR-94207[F] dated 24/10/2019)

CrI.O.P.(MD)No.14111 of 2019
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VB(05.11.2019) 3P 9C