

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 10.03.2020
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P. No. 3057 of 2020

S.Venkatesh

.. Petitioner

Vs

1. The Commissioner of Police,
Vepery, Chennai - 600 007.

2. State Represented by
The Inspector of Police,
(Law & Order),
N2, Kasimedu Police Station,
Kasimedu, Chennai - 600 013.

.. Respondents

Prayer :- Criminal Original Petition filed under Section 482 Cr.P.C., to transfer the investigation in Crime No. 26 of 2020 on the file of the 2nd respondent to some other agency.

For Petitioner : Mr.R.Ezhilarasan

For Respondents

For R1 & R2 : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor

ORDER

This petition has been filed for transfer/change of investigation in Crime No. 26 of 2020.

2. Heard Mr.R.Ezhilarasan, learned Counsel for the petitioner and Mr.Mohamed Riyaz, learned Additional Public Prosecutor for the respondents.

3. The learned counsel for the petitioner submitted that, he has produced CCTV footages showing that there are more than four persons attacked the defacto complainant and the person who was holding the stone was not arrayed as accused. The petitioner was brutally attacked by the accused persons and even then the second respondent did not register F.I.R for offences under Section 307 of IPC, on that person.

4. The learned Additional Public Prosecutor appearing for the respondents filed a status report and stated that they have sofar examined four persons and there are totally 5 accused

persons in which A1 to A3 and A5 obtained anticipatory bail before the learned Principal District Judge, Chennai and the investigation is under progress. On a perusal of the photographs and injuries sustained by the petitioner, there are more than 5 persons involved in this crime. That apart, the persons were in possession of deadly weapons and also attacked the petitioner herein.

5. Therefore, the offence under Section 307 of IPC is clearly attracts and the accused person and also some of the accused persons were left out by the second respondent herein.

6. Considering the above facts and circumstances, in respect of the change of investigation from the second respondent in Crime No. 26 of 2020, the Inspector of Police-second respondent is hereby directed to proceed the investigation in Crime No. 26 of 2020 by altering F.I.R under the major offence and as such Section 307 of IPC is attracted. However, the second respondent is also directed to find out the other persons who have involved in this crime and they should be added as accused in this crime.

7. The Assistant Commissioner of Police, Royapuram, Chennai is directed to monitor the investigation, done by the second respondent. The second respondent is directed to complete the investigation and file a final report within a period of 12 weeks from the date of receipt of a copy of this order.

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

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

arb/drl

To

1. The Commissioner of Police,
Vepery, Chennai - 600 007.
2. The Inspector of Police,
(Law & Order),
N2, Kasimedu Police Station,
Kasimedu, Chennai - 600 013.

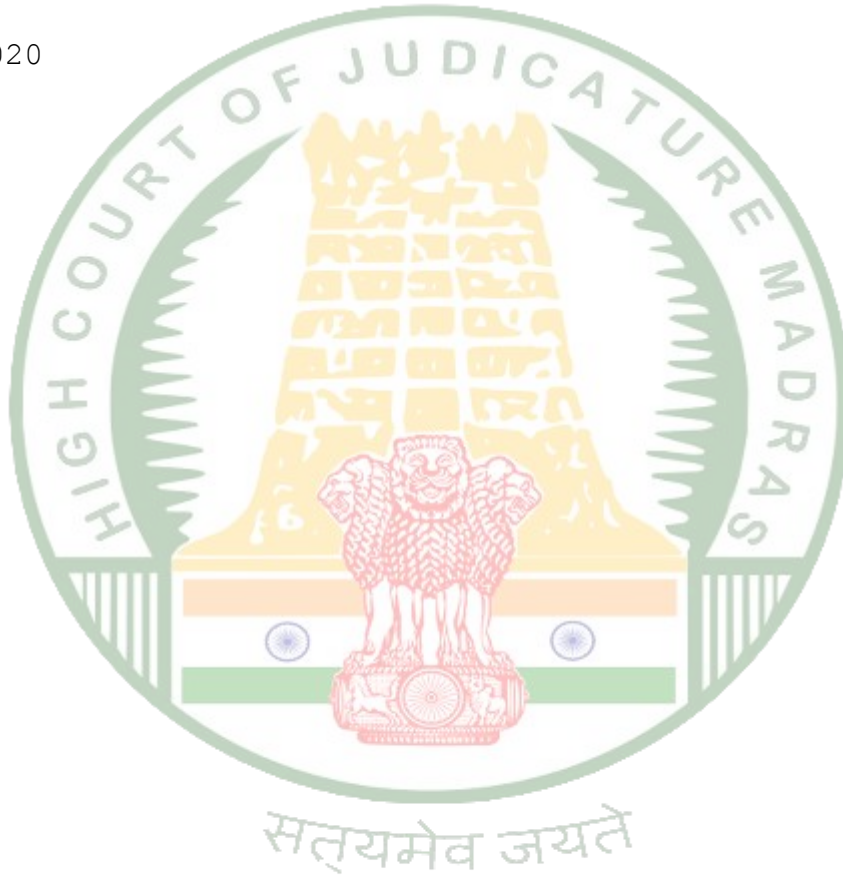
3. The Public Prosecutor,
High Court, Madras.

4.The Assistant Commissioner of Police
Royapuram

+1 cc to Mr.R.Ezhilarasan Advocate sr21232

Crl.O.P. No. 3057 of 2020

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