

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 06.07.2020
CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No. 5061 of 2020

Lakshmipathi

... Petitioner

Vs.

1. The State rep by
Inspector of Police,
Central Crime Branch,
Kancheepuram District.

2. The Superintendent of Police,
Central Crime Branch,
Kanchipuram District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to transfer the investigation in Crime No.140 of 2011 on the file of Central Crime Branch, Kanchipuram District to any other competent investigation officer.

For Petitioner : No appearance

For Respondents

For R1 & R2 : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

This petition has been filed for transfer of investigation in Crime No.140 of 2011 on the file of the second respondent (The Superintendent of Police, Central Crime Branch, Kanchipuram District).

2. Though notice has been served on the petitioner and his name is printed in the cause list, there is no representation on behalf of the petitioner either in person or through counsel.

3. Heard Mr.S.Karthikeyan, learned Additional Public Prosecutor appearing for the respondents.

4. It is also aware that the petitioner/defacto complainant already approached this Court and filed final report in Crl.O.P.No.6760 of 2018 by an order dated 06.03.2018, the second respondent is directed to complete the investigation and file final report within a period of four weeks from the date of receipt of a copy of this order.

5. The learned Additional Public Prosecutor would submit that investigation has been completed in Crime No.140 of 2011 as early as on 02.09.2013 and closed as mistake of fact. Unfortunately, it was not brought to the notice of this Court while passing order in Crl.O.P.No. 6760 of 2018.

6. Considering the above facts and circumstances, now the investigation is pending on the file of the second respondent and the transfer of investigation is contrary to nature/irrevocable. Since the second respondent has already completed the investigation and complied the referred charge sheet before the concerned Jurisdictional Magistrate Court. However, the second respondent is directed to submit the copy of the referred charge sheet notice to the petitioner/defacto complainant within a period of two weeks from the date of receipt of a copy of this order.

7. On receipt of the same, the petitioner/defacto complainant is at liberty to approach the concerned jurisdictional magistrate Court by way of appropriate petition in accordance with law.

8. With the above direction, this Criminal Original Petition is dismissed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

arb

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To

1. The Inspector of Police,
Central Crime Branch,
Kancheepuram District.
2. The Superintendent of Police,
Central Crime Branch,
Kanchipuram District.
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No. 5061 of 2020

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