

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE R. PONGIAPPAN

CrI.O.P.No.18644 of 2019

M.Suresh Kumar

.. Petitioner

Vs.

1.The Superintendent of Police,
Perambalur District,
Perambalur.

2.The Inspector of Police,
Padalur Police Station,
Perambalur District.
(Cr.No.54/2019)

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying for direction to transfer the case in Cr.No.54/2019, on the file of the Padalur Police Station, Perambalur District to some other investigation agency.

For Petitioner : Mr.D.Ashokkumar

For Respondents : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

(This case has been heard through video conferencing)

This Criminal Original Petition has been filed seeking a direction for the relief to transfer the investigation made in Crime No.54 of 2019 on the file of the second respondent police to some other investigating agency.

2. Heard Mr.D.Ashok Kumar, learned counsel appearing for the petitioner and Mr.S.Karthikeyan, learned Additional Public Prosecutor appearing for the respondents police 1 & 2.

3. Today when the petition is came up for hearing, learned Additional Public Prosecutor appearing for the respondents police 1 & 2 on instructions would submit that after registration of the FIR in Crime No.54 of 2019, except in arresting one Panchayat clerk, there was no progress. He would also submit that even the driver of the lorry who is the

main culprit to the alleged occurrence has not been secured.

4. Now on considering the said submission with relevant documents, it seems that the petition mentioned case has been registered for the offence under section 441 and 379 IPC and section 21(1) of Tamil Mines and Minerals (Development & Regulation) Act, 1957. In fact, for completing the investigation of the above referred offence, it is necessary to recover the stolen property and also to secure the person who committed the sand theft. After registration of FIR in Crime No.54 of 2019 on 08.03.2019, keeping the same without any progress shows nothing, but the second respondent is not interested in made investigation in the petition mentioned crime number. Therefore, it is an appropriate case to transfer the investigation in crime No.54 of 2019 from the hands of the second respondent to some other investigating agency.

5. Accordingly, the first respondent is directed to withdraw the investigation from the file of the second respondent in crime No.54 of 2019 and transfer the same to the file of the Inspector of Police, Perambalur Police Station. Further the Deputy Superintendent of Police, Perambalur is directed to monitor the investigation made in this case. Registry is directed to mark a copy of this order to the Deputy Superintendent of Police, Perambalur.

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

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Superintendent of Police,
Perambalur District,
Perambalur.
- 2.The Inspector of Police,
Padalur Police Station,
Perambalur District.
- 3.The Deputy Superintendent of Police,
Perambalur District.
- 4.The Inspector of Police,
Perambalur Police Station,
Perambalur District.

5.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.18644 of 2019

AD(CO)
CB(10/11/2020)



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