

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI. O.P. No. 31855 of 2019

Nagappa

S/o. Late. Venkatappa,
Door No.2/11,
Nallur Agraharam Village,
Nallur Post, Hosur Taluk,
Krishnagiri District.

..Petitioner

vs.

1.The Superintendent of Police,
Krishnagiri District.

2.State Rep. by
Inspector of Police,
SIPCOT Police Station, Hosur,
Krishnagiri District.

..Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to transfer the investigation relating to the offence in Crime No. 438 / 2019 now pending on the file of the second respondent to any other competent investigating authority to investigate the offence and file a final report in a time-bound manner.

For Petitioner : Ms. A.Mohamed Ismail

For Respondent : Mr. S.Karthikeyan
Additional Public Prosecutor

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ORDER

This petition has been filed for transfer of investigation in Crime No. 438 of 2019 pending on the file of the second respondent to any other competent investigating authority to investigate the offences and to file a final report.

2. Learned counsel for the petitioner would submit that the petitioner's father, while grazing cattle in his field situated at Nallur Village, was brutally murdered by the accused persons. On complaint, a case was registered in Crime No. 438 of 2019 for the offences under Section 302 IPC. Immediately, the petitioner and his relatives submitted about the motive behind the murder in explicit terms to the second respondent. Unfortunately, the second respondent did not even heard the submissions and on his own, he investigated the matter. Further, the learned counsel for the petitioner submitted that the second respondent left the main culprit in this case and appointed other accused persons in this case. Therefore, learned counsel for the petitioner seeks change of investigation.

3. Learned Additional Public Prosecutor filed a status report and also stated that the petitioner had lodged a complaint in Crime No. 438 of 2019 for offences under Section 302 IPC. After registering the case, the second respondent conducted inquest on the deceased body and enquired fifteen witnesses totally. Thereafter, the investigation reveals that there are totally sixteen accused in which A1 and A2 are juveniles. They have also recorded the confession statement made by the third accused namely Moorthy and they are about to complete the investigation and to produce final report. It is seen that on a complaint lodged by the petitioner in Crime No. 438 of 2019 for offence under Section 302 IPC, the second respondent fixed three accused in which two of them are juvenile and the other third accused is one Moorthy. Learned Additional Public Prosecutor further submitted that now the investigation is pending to obtain Chemical Analysis Report from the Regional Forensic Laboratory, Dharmapuri and for the final opinion from the Postmortem Doctor. Therefore, almost investigation is completed and final report is yet to produced.

4. Considering the stage of investigation, if the investigation is transferred to any other agency, the entire investigation would be affected and as such change of investigation would not serve any purpose. Therefore, change of investigation to any other investigating authority cannot be allowed. However, the second respondent is directed to complete the investigation within a period of four weeks from the date of receipt of a copy of this order. The first respondent is also directed to monitor the investigation done by the second respondent and ensure that the second respondent would comply with the order passed by this Court.

5. With the above observations, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(AD I)MDU

//True Copy//

Sub Assistant Registrar

bkn

To

- 1.The Superintendent of Police,
Krishnagiri District.
- 2.The Inspector of Police,
SIPCOT Police Station, Hosur,
Krishnagiri District.
- 3.The Public Prosecutor,
High Court of Madras,
Madras.

Cr1. O.P. No. 30588 of 2019

SSV(CO)
KKV/17/08/2020



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