



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2020

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

Crl.O.P. (MD) .No.6543 of 2020

B.Balachandran

.. Petitioner

Vs.

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

2.The Inspector of Police,
Emaneswaram Police Station,
Ramanathapuram.

3.The Deputy Superintendent of Police,
CBCID, Madurai.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the 2nd respondent to withdraw the case in Crime No.153 of 2020 and transfer the same to the 3rd respondent with a direction to investigate the matter and to file a charge sheet in accordance with law.

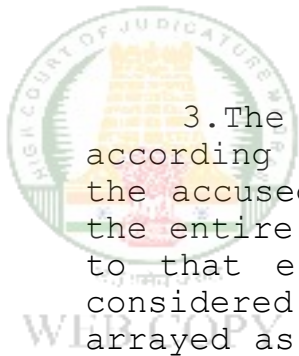
For Petitioner : Mr.J.Sulthan Basha for
M/s.Ajmal Associates

For Respondents : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who is the victim in Crime No.153 of 2020 filed this petition for transfer of investigation in the above said crime number from the file of the second respondent to CBCID.

2.According to the learned counsel for the petitioner, the petitioner was brutally attacked at the instance of the accused and when he was in unconscious stage, his brother has lodged the complaint. Based on the same, a case in Crime No.153 of 2020 was registered as against the accused persons for the offences punishable under Sections 147, 148, 294(b), 323, 324, 307 and 506



3.The learned counsel for the petitioner further submits that according to the petitioner, one Senthilvel, who is the father of the accused No.1, is the prime accused and on his instructions only the entire occurrence has taken place. He also made a representation to that effect to the respondent police. But, the same was not considered by the respondent police. The said Senthilvel is not arrayed as an accused so far. Therefore, he sought for transfer of investigation.

4.The learned Additional Public Prosecutor on instructions submits that the case was registered only on 24.05.2020 as against three named accused persons. The named accused have also been arrested. Pursuant to the confession statement of them, three other accused have also been added in this case. But, as on date, there is no reference about the involvement of the said Senthilvel. Therefore, he is not arrayed as an accused. According to the learned Additional Public Prosecutor, one more accused is yet to be arrested.

5.At this juncture, the learned counsel for the petitioner further submits that these accused persons brutally attacked the petitioner pursuant to the panchayat election dispute and the petitioner sustained serious injuries on his head and neck and there are 15 stitches on his head.

6.Considering that the investigation is at the preliminary stage and the case has also been instituted by the brother of the petitioner, but, he is also happened to be an eye witness to the occurrence, this Court is not inclined to issue a direction as sought for by the petitioner. However, the Deputy Superintendent of Police, Paramakudi, is directed to monitor the investigation of the case in Crime No.153 of 2020 on the file of the second respondent.

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

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

- 1.The Superintendent of Police, Ramanathapuram District,
Ramanathapuram.
- 2.The Inspector of Police, Emaneswaram Police Station,
Ramanathapuram.
- 3.The Deputy Superintendent of Police, CBCID, Madurai.
- 4.The Deputy Superintendent of Police, Paramakdi,
Ramanathapuram District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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TM/PM

SDS (01.07.2020) 3P-6C