



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.07.2020

CORAM:

THE HONOURABLE **MR. JUSTICE R. PONGIAPPAN**

Crl.O.P.(MD)No.6849 of 2020

... Petitioner

Vs.

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

2.The State rep.by
its Sub-Inspector of Police,
Villoor Police Station,
Kalligudi Taluk, Madurai District.
(Crime No.58 of 2020)

3.The Inspector of Police,
C.B.C.I.D.,
Madurai, Madurai District.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to transfer the investigation of the case in Cr.No.58 of 2020 on the file of the second respondent Villoor Police Station to the third respondent police or any other investigation agency or officer under the direct supervision of the first respondent police to conduct the fair and thorough investigation & filing of Final report within a time frame fixed by this Court.

For Petitioner : Mr.P.Gokulnaath

For Respondents : Mr.S.Chandrasekar

Additional Public Prosecutor

O R D E R

This criminal original petition has been filed seeking a direction to direct the first respondent to transfer the investigation of the case registered in crime No.58 of 2020 on the file of the second respondent to the third respondent.

2.The learned counsel appearing for the petitioner would submit that in the alleged occurrence, due to the attack made by the accused, the petitioner herein sustained grievous injury. Though the second respondent knowing the details and nature of injury sustained by the petitioner, he is refused to alter the charge for the offence under Sections 307, 326, 380 and 506(ii) IPC. Hence, it is necessary to direct the first respondent to pass an order to transfer the case in crime No.58 of 2020 from the file of the second respondent to the third respondent for further investigation.

3.The learned Additional Public Prosecutor appearing for the respondents would submit that after receiving complaint from the petitioner, the second respondent police had registered a case in



crime No.58 of 2020 for the offence under Sections 294(b) and 324 IPC. He would further submit that after registration of the case, investigation in the said case has not been completed. In this regard, he made a specific submission that without seeing wound certificate of the petitioner, the Investigation Officer is not in a position to alter the charge. According to him, so far wound certificate is not received by the Investigation Officer. However, he undertakes to alter the charge in the charge sheet according to the nature of injury sustained by the petitioner.

4.The submissions made by the learned Additional Public Prosecutor is recorded. In view of the above, the second respondent is directed to proceed with the investigation in a proper manner, without giving any room or suspicion. However, the Deputy Superintendent of Police, Peraiyoor, is directed to monitor the investigation in crime No.58 of 2020, registered for the offence under Sections 294(b) & 324 IPC pending on the file of the second respondent. The second respondent is directed to complete the investigation and file a charge sheet, within a period of two months from the date of receipt of a copy of this order.

5.With the above directions, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns

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, ensuring 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, Madurai District, Madurai.
- 2.The Sub-Inspector of Police, Villoor Police Station, Kalligudi Taluk, Madurai District.
- 3.The Inspector of Police, C.B.C.I.D., Madurai, Madurai District.
- 4.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

COPY To: The Deputy Superintendent of Police, Peraiyur, Madurai District

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