



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2020

CORAM:

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

CrI.O.P.[MD]No.7229 of 2020

WEB COPY

M.Nithiskumar

... Petitioner

Vs.

1.The Inspector General of Police,
South Zone, Madurai.

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

3.The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
In Crime No.238 of 2020.

4.Guganeswaran
The Sub Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, praying to direct the first respondent to transfer of investigation in Crime No.238 of 2020 on the file of the Inspector of Police, Devipattinam Police Station, Ramanathapuram District to some other agency.

For Petitioner : Mr.T.Balarathinakumar

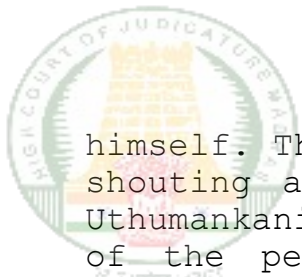
For R1 to R3 : Mr.S.Chandrasekar

Additional Public Prosecutor

O R D E R

This petition has been filed seeking direction to the first respondent to transfer of investigation in Crime No.238 of 2020 on the file of the Inspector of Police, Devipattinam Police Station, Ramanathapuram District to some other agency.

2.The learned counsel appearing for the petitioner would submit that on 05.05.2020, during the time of occurrence, one Paulraj and his friend Abdullah came to the occurrence place and abused the petitioner with filthy language. Thereafter, the said Paulraj took the knife and stabbed the petitioner on his left neck. Again, the said Paulraj tried to stab on the chest of the petitioner, for which, the petitioner was wounded in his hand and tried to protect



himself. The said occurrence was seen by one Uthumankani and started shouting and tried to help the petitioner. Immediately, the said Uthumankani intimated the occurrence to the police and the parents of the petitioner and also, he admitted the petitioner in the Government Hospital, Ramanathapuram. In this regard, a case has been registered against Paulraj and others. During the time of investigation, the fourth respondent police herein *suo motu* recorded the statement of Uthumankani without any enquiry. Hence, it is necessary to transfer the investigation from the hands of the fourth respondent to some other agency.

3.The learned Additional Public Prosecutor would submit that on the date of occurrence, a case has been registered in Crime No.238 of 2020 for the offences under Sections 294(b), 324 and 506(ii) of IPC. He would further submit that after getting discharge from the hospital, the wound certificate of the petitioner has not been received by the Investigating Agency. If the details of the wound certificate reflects that the petitioner sustained grievous injury, the fourth respondent is ready to alter the charge in the final report.

4.The submission made by the learned Additional Public Prosecutor is recorded.

5.Considering the rival submission made by either side, it is apparent that without any iota of evidence, the petitioner made allegation against the fourth respondent. If at all, without seeing the final report filed by the fourth respondent, it cannot be said that 161 Cr.P.C statement has been recorded by the fourth respondent *suo motu* without any enquiry. However, considering the apprehension expressed by the petitioner, I am of the opinion that the following direction is necessary for conducting the investigation in a proper manner. The Deputy Superintendent of Police, Ramanathapuram is directed to monitor the investigation in Crime No.238 of 2020 on the file of the third respondent.

6.This Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (AS)

// True Copy //

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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, 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 Inspector General of Police,
South Zone, Madurai.
- 2.The Superintendent of Police,
Ramanathapuram District, Ramanathapuram.
- 3.The Deputy Superintendent of Police,
Ramanathapuram.
- 4.The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CrI.O.P.[MD]No.7229 of 2020
10.07.2020

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SDS (17.07.2020) 3P-6C