



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2020

CORAM:

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

CRL OP (MD) No.7407 of 2020

Kaviyathurai

... Petitioner/
Defacto Complainant

Vs.

1.State represented by
The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.

2.The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.

... Respondents

PRAYER: Petition filed under Section 482 of Criminal Procedure Code, praying to direct the respondents to transfer the investigation in Crime No.197 of 2020 pending on the file of the second respondent to any other officer in subordinate to him.

For Petitioner : Mr.A.Banumathy

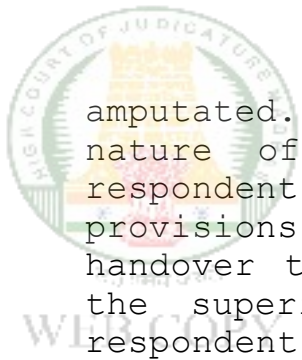
For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking a direction to direct the first respondent to transfer the investigation in Crime No.197 of 2020 pending on the file of the second respondent to any other Investigation Officer not below the rank of the second respondent.

2.Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor for the respondent police.

3.Today when the matter is taken up for hearing, the learned counsel appearing for the petitioner would submit that during the time of occurrence, the accused has assaulted the petitioner and caused severe injuries and thereby the petitioner's left hand was



amputated. After knowing the seriousness of the case and the nature of injuries sustained by the petitioner, the second respondent police not altered the charges in accordance with the provisions of Law. In such circumstances, it is necessary to handover the investigation of the above said case to any one of the superior officer, who is above the rank of the second respondent.

4.The learned Additional Public Prosecutor appearing for the respondent police, on instructions, would submit that during the time of treatment, the petitioner's left hand was amputated. In respect to the same, no wound certificate was received so far from the Doctor, who gave the treatment to the petitioner. He would further submit that if the injuries sustained by the petitioner is severe in nature, the second respondent necessarily has to alter the Section of Law.

5.Though the submission made by the Additional Public Prosecutor is having some force, considering the seriousness of the offence committed by the accused, this Court is of the opinion that the investigation, now pending on the file of the second respondent has to be necessarily transferred to some other officer, who is above the Rank of the second respondent. Accordingly, the investigation of the petition mentioned case which registered in Crime No.197 of 2020 on the file of the second respondent police, is transferred to the Deputy Superintendent of Police, Kamuthi, for further investigation and on transferring, the same has to be monitored periodically by the Superintendent of Police, Kamuthi, till filing the final report.

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

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

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



2.The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

copy to

The Deputy Superintendent of Police,
Kamudhi Sub Division,
Ramanathapuram District.

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.

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15.07.2020

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