



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.07.2020**

CORAM:

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

Crl.O.P.[MD]No.7673 of 2020

WEB COPY

Navison Leon

... Petitioner/Accused

Vs.

1.The Deputy Inspector General of Police, (DIG)
Tirunelveli, Tirunelveli District.

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

3.The Deputy Superintendent of Police,
Vallioor, Radhapuram Taluk,
Tirunelveli District.

4.The Sub-Inspector of Police,
Koodankulam Police Station,
Radhapuram Taluk,
Tirunelveli District.
(Crime No.85 of 2020)

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondents 1 and 2 to transfer the investigation in Crime No.85 of 2020 from the file of the 4th respondent to 2nd respondent monitor the investigation for conducting an impartial investigation in this case.

For Petitioner : Mr.S.Muthumalai Raja

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 respondents 1 and 2 to transfer the investigation in Crime No.85 of 2020 from the file of the 4th respondent to 2nd respondent and to monitor the investigation for conducting an impartial investigation in this case.

2.The learned counsel for the petitioner would submit that the petitioner is an educated man, who came from a decent family. During the time of occurrence, due to the previous vengeance, the fourth respondent instituted the false case against the petitioner under Section 4(1)(i) of Tamilnadu Prohibition Act. Hence, considering the background of the petitioner, it is necessary to allow the prayer sought for by the petitioner.



3.Now on go through the contents of the First Information Report, which registered against the petitioner, it is seen that during the time of occurrence, the petitioner possessed with 10 bottles of 180ml brandy and sold the same illegally to the third party. Only on identification of the same, the fourth respondent registered a case against the petitioner. According to the learned Additional Public Prosecutor, so far investigation has not been completed. Therefore, without any specific allegation against the fourth respondent, it cannot be ordered to hand over the investigation to the first respondent.

4.With the above observation, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

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 Deputy Inspector General of Police, (DIG)
Tirunelveli, Tirunelveli District.
- 2.The Superintendent of Police,
Tirunelveli, Tirunelveli District.
- 3.The Deputy Superintendent of Police,
Vallioor, Radhapuram Taluk,Tirunelveli District.
- 4.The Sub-Inspector of Police,
Koodankulam Police Station,
Radhapuram Taluk, Tirunelveli District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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