



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.09.2020**

CORAM:

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

Cr1.O.P. (MD)No.10243 of 2020

Mohammed Marsook

... Petitioner

Vs.

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

2.The Inspector of Police,
District Crime Branch,
Ramanathapuram District.
(Crime No.42 of 2020)

3.The Inspector of Police,
CBCID Wing,
Ramanathapuram District.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to transfer the investigation in Crime No.42 of 2020, from the file of the second respondent to the file of the third respondent and consequently direct the third respondent to conduct proper investigation in an expeditious manner and to file the final report within the stipulated period as prescribed by this Court.

For Petitioner : Mr.D.Rameshkumar

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 withdraw the investigation in Crime No.42 of 2020 from the file of the second respondent and entrust the same to the file of the third respondent for conducting proper investigation and further for the relief of filing a final report within the stipulated period as prescribed by this Court.



2.The learned counsel appearing for the petitioner would submit that in respect of the petition mentioned offence, after registration of F.I.R., in Crime No.42 of 2020, the second respondent Police, who is the Investigation Officer, has not secured the real culprits and therefore, the petitioner, being the father of the victim, is suspecting over the investigation conducted by the second respondent and prayed before this Court to change the investigation from the hands of the second respondent to some other investigating agency. More than that since the offence narrated by the petitioner is a heinous one, it is necessary to direct the Investigating Agency to file a final report within a time frame, as stipulated by this Court.

3.In response to the submission made by the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that after the registration of the above said First Information Report in Crime No.42 of 2020, pending on the file of the second respondent Police, the Investigation Officer had examined four witnesses and recorded their statements. In otherwise, he had identified that six persons are involved in this offence. He would further submit that among the said six persons, Accused No.1, who is the main culprit, is now residing in abroad and the Accused Nos.2 and 3, are now residing in Puducherry and Manadi respectively and they are absconding still now. In otherwise, the second respondent has secured the Accused Nos.4 and 5 and thereafter, they were remanded to the judicial custody.

4.Upon considering the submissions made by the learned counsels appearing on either side, it is relevant to see since the two accused were arrested and also four witnesses have been examined, at this stage, it cannot be said that the second respondent Police conducted the investigation in a lethargic manner. Since the First Information Report has been registered in the month of July 2020, this Court is fully satisfied with the investigation conducted by the second respondent Police. However, considering the nature of offence committed by the accused, it would be appropriate to direct the Deputy Superintendent of Police (DCB), Ramanathapuram, to monitor the investigation conducted by the second respondent. Since the first accused, who is the main culprit, is in abroad, it is not possible for the second respondent to complete the investigation within a time frame that may be fixed by this Court. Therefore, the second respondent is directed to complete the investigation in Crime No.42 of 2020 and file a final report before the concerned Jurisdictional Court as early as possible.



5. With the above directions, the Criminal Original Petition stands closed.

Sd/-

Assistant Registrar(AD-II)

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Sub Assistant Registrar(CS)

tsg

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,
Ramanathapuram, Ramanathapuram District.
2. The Deputy Superintendent of Police (DCB), Ramanathapuram.
3. The Inspector of Police,
District Crime Branch,
Ramanathapuram District.
(Crime No.42 of 2020)
4. The Inspector of Police,
CBCID Wing,
Ramanathapuram District.

COPY TO

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

+1 CC to M/s.D. RAMESHKUMAR, Advocate (SR-17926[F] dated 24/09/2020)

CrI.O.P.[MD]No.10243 of 2020
24.09.2020

SS(CO)

TR(05.10.2020) 3P 7C