



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P (MD) No.12414 of 2020

S.Madasamy

:Petitioner/Defacto Complainant

Vs

1.The Additional Commissioner of Thoothukudi Circle,
Thoothukudi,
Thoothukudi District.

2.The State rep by
The Inspector of Police,
Kayatharu Police Station,
Kayatharu.
Thoothukudi Ari District.
(Crime No.647 of 2020)

:Respondents/Respondents

3.The Deputy Superintendent of Police,
CBCID,
Thoothukudi Region,
Thoothukudi,
Thoothukudi District.

:Respondents/Proposed
Investigating Agency

PRAYER: Petition filed under Section 482 of Code of Criminal Procedure, to pass orders for transfer of the case in Crime No.647 of 2020 from the file of the Inspector of Police, Kayatharu Police Station, Kayatharu, Thoothukudi District to be withdrawn and transfer to the 3rd respondent from the file of the 2nd respondent for further effective, sincere and unbiased investigation forthwith and conclude the same.

For Petitioner : Mr.S.Palani Velayutham

For Respondents : Mr.V.Neelakandan

Additional Public Prosecutor(Crl.side)

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

2.This Criminal Original Petition has been filed for transfer of case in Crime No.647 of 2020 from the file of the Inspector of Police, Kayatharu Police Station, Kayatharu, Thoothukudi District to the 3rd respondent for further investigation.



3. The learned counsel for the petitioner would submit that based on the complaint given by the petitioner, a case in Crime No.647 of 2020 has been registered under Sections 279 and 304 (A) IPC. The grievance of the petitioner is that though FIR has been registered, the respondent police failed to conduct effective investigation to arrest the driver of the vehicle, which caused the accident and also the petitioner suspected the death of his son. Hence, the petitioner prays for transfer of investigation to the Deputy Superintendent of Police, CBCID, Thoothukudi Region, Thoothukudi.

4.This Court directed the learned Additional Public Prosecutor(Crl.side) to file a Status Report and the Status Report has also been filed. The Status Report at Paragrapsh 9 reads as follows:-

9.I submit that from my overall investigation and from the examination of the witnesses it is revealed that the deceased Ayyappan was jumped out from the moving bus and died due to the same and the driver Rafiq Raja has not noticed the same and he had acted negligently which resulted in the death of the deceased. Therefore, he was arrested on 01.12.2020 and he has been named as accused in this case. The accused Rafiq Raja also gave a statement stating that on 07.09.2020, while the bus was nearing to Essar Bunk Kayathar he heard a sound from behind, when he checked the side mirror he could not notice anything. Thereafter, he proceeded towards Tirunelveli New Bus Stand and he noticed the missing of Ayyappan and the exit door was found open. At that time, he received a call from a police and he enquired him about the deceased Ayyappan and informed that he was died due to road accident in front of Essar bunk Kayathar. Therefore, out of fear he has informed the police that he stopeed the vehicle at ESSAR Bunk for refreshing. Further, the accused Rafiq raja admitted that due to his negligence, the accident has occurred. After the arrest, the accused was released on his own bond. Now the offending vehicle as well as the accused have been identified. The investigation in this case is almost completed and we would file the final report at the earliest.

5.On perusal of the Status Report, I am satisfied that the investigation had gone in the right direction. Recording the submission that the investigation is almost completed and the Final Report will be filed shortly, I am not inclined to order for transfer of investigation. However, there shall be a direction to the respondent police to file a Final Report within a period of three months from the date of receipt of a copy of this order.



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

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// True Copy //

Sd/-

Assistant Registrar

/ /2021

Sub Assistant Registrar(CS)

vrn

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 Additional Commissioner of Thoothukudi Circle,
Thoothukudi,
Thoothukudi District.
- 2.The Inspector of Police,
Kayatharu Police Station,
Kayatharu.
Thoothukudi Ari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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VB (18.01.2021) 3P 4C