



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Cr1.O.P (MD) No.11684 of 2016

C.Jeyaselvam

... Petitioner

Vs

The State Rep. by

1.The Superintendent of Police,
Nagercoil,
kanyakumari District.

2.The Inspector of Police,
Karungal Police Station,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the second respondent to withdraw the above case in Crime No.332/2016 on the file of the second respondent and transfer the case to some other competent agency for fair investigation.

For Petitioner : Mr.R.Russel Raj

For Respondents : Mr.A.Robinson
Government Advocate (Cr1.side)

ORDER

The petitioner seeks transfer of investigation.

2.The petitioner's counsel alleges that the petitioner as the defacto complainant has not even been examined. No statement under Section 161(3) of Cr.P.C. has been obtained from him. He would pointedly contend that Investigating Officer has conveniently chosen to examine the relatives of the accused. Therefore, the petitioner does not have faith in the investigation.

3.This petition was filed way back in the year 2018. The then Inspector of Police obviously must have been transferred.

4.The learned Government Advocate (Cr1.side) would state that the petitioner is shown as L.W.1 and that there is a



statement appearing in the record attributed to the petitioner. In order to allay the concerns of the petitioner, this Court directs the second respondent to record a further statement under Section 161(3) of Cr.P.C., from the petitioner herein and thereafter, file a final report.

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5.This criminal original petition is ordered on these terms.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Superintendent of Police,
Nagercoil,
kanyakumari District.

2.The Inspector of Police,
Karungal Police Station,
Kanyakumari District.

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

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TR(19.02.2020) 2P 4C