



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.O.P. (MD) No.15147 of 2016

Christopher Dhana Singh

... Petitioner

-VS-

1.The Commissioner of Police,
Tirunelveli City.

2.The Inspector of Police,
TIW-Tirunelveli City Police Station,
Tirunelveli.

... Respondents

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to direct the first respondent to appoint some other investigating agency other than the second respondent to investigate the case in Crime no.172 of 2016 on the file of the second respondent.

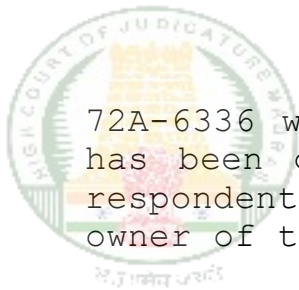
For Petitioner : Mr.M.Kannan
for Mr.V.B.Sundhareshwar

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

O R D E R

This Criminal Original Petition has been filed for transfer of investigation. The case of the petitioner is that his brother Jebastin Dhana Singh died in an accident on 12.06.2016 at about 5 pm. The petitioner did not witness the occurrence. But a case was registered based on his complaint in Crime No.172 of 2016. The petitioner states that a car was actually involved in the occurrence. But then, he was misled by giving a complaint with erroneous particulars.

2.In the complaint, it was mentioned that a Bolero car bearing registration No.TN 47 4551 was the offending vehicle. But it has turned out that the said registration number pertains to a two-wheeler. According to the petitioner, they received a white Scorpio car bearing registration No.TN-



72A-6336 was the actual offending vehicle. Eventhough, complaint has been given in this regard, it has not been acted upon. The respondent wants to give a quietus to this issue as the actual owner of the vehicle appears to be an influential person.

3.I do not want to go into the merits of this case. It is suffice to say that the allegation made by the petitioner warrants a proper investigation. I am not satisfied with the investigation conducted so far.

4.Therefore, the first respondent is directed to nominate a new investigating officer to take over the investigation and file a final report in accordance with law within a period of three months from the date of receipt of a copy of this order. If the second respondent has already filed a final report, the same shall be rejected by the jurisdictional Magistrate.

5.With this observation, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CO)

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/ /2020

Sub Assistant Registrar(CS)

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To

1.The Commissioner of Police, Tirunelveli City.

2.The Inspector of Police, TIW-Tirunelveli City Police Station, Tirunelveli.

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

+1 CC to M/s.V.B.SUNDARESHWAR, Advocate (SR-7861[F] dated 24/02/2020)

Cr1.O.P. (MD) No.15147 of 2016

21.02.2020

ss (CO)

TR(25.02.2020) 2P 5C