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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2021

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.12711 of 2021

Paramasivam

...Petitioner

Vs.

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

2. The Inspector of Police,
Namakkal Town Police Station,
Namakkal District.

...Respondents

Prayer: This criminal original petition has been filed under Section 482 Cr.P.C. to transfer the investigation in Crime No.493 of 2015 pending on the file of the 2nd respondent to any other independent investigating agency.

For petitioner : Mr.M.R.Thangavel

For Respondents : Mr.A.Damodaran
Government Advocate (Crl.side)

ORDER

This criminal original petition has been filed to transfer the investigation in Crime No.493 of 2015 pending on the file of the 2nd respondent to any other independent investigating agency.

2.In continuation to the order passed by this Court dated 23.07.2021, which is extracted as follows:

"The petitioner/defacto complainant is a public servant. On his complaint, a case came to be registered in Crime No.493 of 2015 for the offence under Sections 294(b), 147, 148, 323, 324, 353 and 506(ii) IPC. Thereafter, no action has been taken.



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2.The gist of the complaint is that the petitioner was employed as a Village Administrative Officer in Periyapatti Village, Namakkal Taluk. On the orders of the Thasildar, he had gone to Scene of occurrence where encroachment taken place. Since he was directed to remove the encroachment and report, he had taken steps for the same on 27.06.2015 along with Revenue Inspector, Namakkal Village Assistants namely Subramani, Krishnan, Inspector of Police Sathasivam and went to the Nallipalayam Government Higher Secondary School. While they were removing the encroachment using JCB, at that time, one Chandiran, Palanivel, Karan, Krishnamoorthy, Rajendiran and Mahendiran had came there and abused them and also assaulted them with stones, in which, the petitioner others had sustained injuries. Thereafter, they were chased away from the scene of occurrence and not permitted them to discharge the public duty. Thereafter, he got admitted in the Namakkal Government Hospital and from there FIR came to be registered. It is almost seven years, till now, but no investigation has been taken place even though the petitioner and other officials, who are public servants, were attacked by the accused persons while they were discharging their official duty of removing encroachment.

3.The learned Government Advocate (Crl.side) has submitted that in this case, investigation was completed and charge sheet was filed on 27.07.2015 arraying nine persons as accused. He further submitted that in this case, accused 8 and 9 were absconding and hence, the charge sheet is yet to be numbered. He further submitted that the representation were made to the Lower Court to act as per Rule 32 of Criminal Rule of practice, but the Lower Court has not acted upon.



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4. In view of the submissions, the Registrar Judicial is directed to get explanation from the Judicial Magistrate No. I, Namakkal, what steps he has taken in Crime No. 493 of 2015, wherein charge sheet was filed as early as on 27.07.2015 and report.

5. Post this matter on 10.08.2021."

It is submitted that now charge sheet has been filed in Crime No. 493 of 2015 for offences under Sections 294(b), 147, 148, 323, 324, 353 and 506(i) IPC on 05.08.2021 and assigned C.C.No.342 of 2021 on the next hearing date is on 06.09.2021.

3. In view of the same, the criminal original petition is closed of. At this juncture, counsel for the petitioner submits that the petitioner's mobile phone and other articles, which are vital for investigation, have not been considered. The petitioner is to appear before the trial Court. On receipt of the copy of the final report, he is aggrieved if any of the facts has been left out, it is open to the petitioner to file a protest petition submit materials and the same to be considered by the trial Court.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sms
To

1. The Superintendent of Police
Namakkal, Namakkal District.
2. The Inspector of Police,
Namakkal Town Police Station,
Namakkal District.
3. The Government Advocate (Crl.side)
High Court, Madras.

CRL.O.P.No.12711 of 2021

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