

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.14928 of 2020

Srisetti Krishnappa Rao

.. Petitioner

Vs.

The State rep by

The Investigating Officer/Inspector of Police,

Puzhal P.S, Chennai.

... Respondent

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to transfer the Criminal Proceedings in respect of Crime No.1840 of 2017 on the file of the Respondent Police and Transfer the same to CBCID, Chennai.

For Petitioner : Mr.N.Vanaraj

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This petition has been filed seeking for the transfer of investigation in Crime No.1840 of 2017, pending on the file of the respondent Police.

2.The petitioner is the father of the deceased. The father alleges that there was a custodial death of his son and an attempt was made to portray as if it was a suicide. An F.I.R. came to be registered in Crime No.1840 of 2017 under Section 176(1A)Cr.P.C. The learned Judicial Magistrate-II, Tiruvallur, has also submitted a report. The grievance of the petitioner is that there is absolutely no progress in the investigation.

3.Heard Mr.N.Vanaraj, learned counsel appearing on behalf of the petitioner and Mr.Mohamed Riyaz, learned Additional Public Prosecutor appearing on behalf of the respondent Police.

4.Taking into consideration the facts and circumstances of the case and also of the fact that the death is said to have taken place at the time when the deceased was in police custody, this Court is inclined to transfer the investigation

pending on the file of the respondent to CBCID. Such transfer is required in order to ensure that a fair investigation is conducted more particularly, since it involves police officials.

5. In view of the above, there shall be a direction to the respondent to handover the entire case diary to the Superintendent of Police, CBCID, Chennai, within a period of two weeks from the date of receipt of copy of this order. The Superintendent of Police, CBCID, Chennai, shall assign the investigation to a police officer not less than the rank of the Inspector of Police. The investigation shall be conducted in accordance with the guidelines given by this Court in the case of P. Pugalanthi Vs. State represented by the Director General of Police, Chennai and others reported in 2015 1 MLJ (Cr1) 424 and in the case of R. Kasthuri Vs. State by the District Collector, Cuddalore District and others reported in 2015 1 MLJ (Cr1) 455. On completion of the investigation, the final report shall be filed as expeditiously as possible.

6. This Criminal Original Petition is disposed of with the above directions.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To:

1. The Superintendent of Police, CBCID, Chennai.
2. The Investigating Officer/Inspector of Police, Puzhal P.S, Chennai
3. The Public Prosecutor, High Court, Madras.

+1cc to Mr. N. Vanaraj, Advocate SR.No. 10124

A.SK(16.03.2021)

Cr1.OP.No.14928 of 2020