



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2021

CORAM :

THE HONOURABLE **Mrs. JUSTICE R. HEMALATHA**

Crl.O.P.(MD)No.1146 of 2021

Pandi Gowtham

... Petitioner

Vs.

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

2.The Sub-Inspector of Police,
Aranthangi Police Station,
Pudukottai District.

3.A.Reshma

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, to direct the first respondent to depute any other Sub-Inspector of Police other than the third respondent to investigate the Crime No.1391 of 2020 on the file of the second respondent and file a final report in accordance with law.

For Petitioner

: Mr.T.Leninkumar

For R1 and R2

: Mr.R.Erottusamy

Government Advocate (Criminal Side)

ORDER

The present petition is filed seeking for a direction to the first respondent to transfer the investigation in Crime No.1391 of 2020 on the file of the second respondent to any other competent police officer.

2.Mr.R.Erottusamy, learned Government Advocate (Criminal side), who accepts notice on behalf of the respondents 1 and 2, on instructions, would contend that investigation in Crime No.1391 of 2020, is almost completed.

3.Mr.T.Leninkumar, learned counsel appearing for the petitioner would contend that though no property was recovered from the petitioner / accused, the prosecution gave instructions at the time of considering the anticipatory bail application by the Principal Sessions Judge, Pudukkottai that all the properties were recovered from the accused persons and therefore, the petitioner apprehends that fair investigation would not be done at the hands of the second respondent.

4. In the decision in Romila Thapar vs. Union of India reported

<https://hcservices.ecourts.gov.in/hcservices/>



in (2018) 10 SCC 753, the Hon'ble Apex Court has held that an accused cannot ask to change an investigating agency, or to require that an investigation be done in a particular manner, including asking for a court-monitored investigation.

5.Considering the facts and circumstances of the present case, the Deputy Superintendent of Police, Aranthangi is directed to monitor the investigation in Crime No.1391 of 2020 on the file of the second respondent police and file a final report as expeditiously as possible.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Superintendent of Police,
Pudukottai District, Pudukottai.
- 2.The Sub-Inspector of Police,
Aranthangi Police Station,
Pudukottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To:

The Deputy Superintendent Of Police,
Aranthangi,
Pudukkottai District.

Crl.O.P. (MD)No.1146 of 2021
29.01.2021

(KUN)

KV(25.02.2021) 2P 5C

<https://hcservices.ecourts.gov.in/hcservices/>