



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 27.07.2021

Pronounced on : 16.09.2021

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGOVAN**

Crl.O.P.(MD)No.8670 of 2021

and

Crl.M.P.(MD)No.4437 of 2021

S.Jobu

... Petitioner/Accused Rank
not known

Vs.

1.The Superintendent of Police,
Kanyakumari District,
at Nagercoil.

2.The Inspector of Police,
Nithiravilai Police Station,
Kanyakumari District.
(Cr.No.6/2021)

... Respondents/Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation in Crime No.6 of 2021 pending on the file of the second respondent to any other police officer under the supervision of the first respondent or any other independent investigation agency for fair and proper investigation.

For Petitioner : Mr.Sreenivasan.M.R.

For Respondents : Mr.R.M.Anbunithi,
Additional Public Prosecutor.

ORDER

This petition is filed seeking transfer of investigation in Crime No.6 of 2021 pending on the file of the second respondent to any other police officer under the supervision of the first respondent or any other agency.

2.The case of the petitioner is that the petitioner is arrayed as sixth accused in Crime No.6 of 2021, which was registered on 11.01.2021 under Section 102 of Cr.P.C., based upon the complaint given by the Village Administrative Officer, Ezhudesom 'A' village. It was registered against unknown persons. On 15.01.2021 at about 10.00 a.m., when the petitioner was in his shop, the second respondent came to the shop and took the petitioner to police station for enquiry. During the course of enquiry, he has revealed

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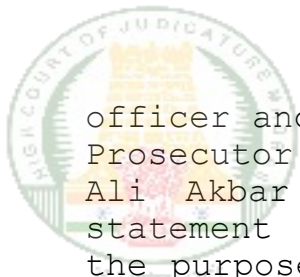
4. Heard both sides.

5.As stated in the petition, FIR has been registered in Crime No.6 of 2021 on the basis of the complaint given by the Village Administrative Officer, wherein, he has stated that he received information that cooking turmeric have been illegally stored in a mechanized boat in Iraiemandurai fishing harbour. So he visited the same on 11.01.2021 at about 02.00 pm and during that inspection, he found 25 Kgs of turmeric illegally stored in the fishing boat bearing registration No.IND-LD-AN-MM-165. The total bags were 194 each contained 25 Kgs. On the basis of the complaint given by him, the above said case has been registered.

6. The case of the petitioner is that he has no way involved in the above said crime and no attempt was also made by him illegally smuggle the same to Srilanka and Katchadeev, etc. Now the police people are pressurizing him to admit the offence. But the fact remains that he is the owner of the mechanized boat bearing registration No. IND-LD-AN-MM-165. This fact was not denied by the petitioner during the course of arguments.

7. The learned Additional Public Prosecutor would submit that since the boat in which, the turmeric have been illegally stored, notice was issued to the petitioner for enquiry but he did not appear before the enquiry officer and cooperate with him.

8. When this was informed to the Court, this Court by order dated 07.07.2021 directed the petitioner to cooperate with enquiry



officer and the matter was adjourned. The learned Additional Public Prosecutor has produced a copy of the confession statement by one Ali Akbar was also summoned and he has also given confession statement to the effect that only this petitioner engaged him for the purpose of illegal smuggling to Srilanka. On that ground, they made preparation. According to the learned Additional Public Prosecutor, based upon the confession statement given by the above said person, his involvement has been verified and confirmed. So according to the learned Additional Public Prosecutor, the contention of the learned counsel for the petitioner that the petitioner has been wrongly impleaded in this matter is not correct. Moreover, investigation is at preliminary stage. Simply because the petitioner says that he has not involved in the offence, transfer of investigation is not possible and proper, unless and until, the petitioner is able to bring on record a *prima facie* ground for transfer of investigation. But no such *prima facie* ground is brought on record. However, the learned counsel for the petitioner at the time of argument would submit that it is sufficient if a superior officer is directed to monitor the investigation. It is not a sensitive matter, which requires a senior officer must be directed to monitor the investigation. Without any basis or strong grounds, no such request can be accepted. So I find no reason to accede to the request made by the learned counsel for the petitioner. It deserves dismissal. Accordingly, it is dismissed. However, considering the facts and circumstances of the case, a direction shall be issued to the second respondent to conclude the investigation within a period of three months from the date of receipt of a copy of this order and final report must be filed before the concerned Court.

9. With this direction, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,
Kanyakumari District,
at Nagercoil.

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

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

+1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-29599[F] dated
20/09/2021)

Crl.O.P. (MD)No.8670 of 2021
16.09.2021

RK (24.09.2021) 4P 5C