



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**
CrI.O.P. (MD) No.9924 of 2021

WEB COPY

S.John Lawrence

... Petitioner/

Defacto Complainant

Vs.

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

2.The Deputy Superintendent of Police,
Thuckalay,
Kanyakumari District.

3.The Inspector of Police,
Kulasekaram Police Station,
Kulasekaram,
Kanyakumari District.
Crime No.539 of 2020

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, directing the 1st respondent to transfer the investigation of the case in Crime No.539 of 2020 dated 21.11.2020, from the file of the 3rd respondent to any other investigating agency under the supervision of the 1st respondent.

For Petitioner : Mr.K.Sivabalan
For Mr.G.Aravinthan

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor(crl. Side)

ORDER

This petition is filed seeking transfer of investigation from the file of the 3rd respondent to the file of some other Agency or Officer.

2.When the matter was taken up for hearing on 26.07.2021, the learned Additional Public Prosecutor has submitted that the investigation has been completed and the final report was also filed before the concerned Court on 16.02.2021, but it has not been taken on file so far. For verifying the stage of the final report, the matter has been repeatedly adjourned.



3. On 17.09.2021, the learned Additional Public Prosecutor has submitted that Referred Charge Sheet has been filed before the concerned Court and notice was also served upon the petitioner. The petitioner objected the same stating that no such notice was served upon him.

4. The learned counsel appearing for the petitioner would submit that against one of the accused person, Referred Charge Sheet was filed before the concerned Court by antedating the notice. The 3rd respondent herein tried to serve the same upon the petitioner. Since it was antedated, he refused to receive the same. So, the petitioner seeks direction upon the 3rd respondent to serve the RCS notice by specifying the correct date.

5. In view of the aforesaid submission, let the 3rd respondent serve the RCS notice upon the petitioner by specifying the correct date and after receiving the RCS notice, the petitioner may workout his remedy through proper proceedings before the concerned Court.

6. With the aforesaid direction and liberty, this petition stands disposed of as infructuous.

Sd/-

Assistant Registrar (CS II)

// 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,
Nagercoil.
2. The Deputy Superintendent of Police,
Thuckalay,
Kanyakumari District.
3. The Inspector of Police,
Kulasekaram Police Station,
Kulasekaram, Kanyakumari District.



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

+1 CC to M/s.G.ARAVINTHAN, Advocate (SR-32963[F] dated 28/10/2021)
CrI.O.P. (MD)No.9924 of 2021
27.10.2021

MGJ/PM(15.11.2021) 3P 6C