



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2021

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

W.P. (MD).No.15511 of 2021
and W.M.P. (MD).No.12439 of 2021

S.Mujibar Rahman ... Petitioner

Vs.

1.The Director General of Police,
Dr.Radhakrishnan Road,
Mylapore,
Chennai - 600 004.

2.The Superintendent of Police,
Sivagangai.

3.The Deputy Superintendent of Police,
Sivagangai.

4.The Inspector of Police,
Ilayankudi,
Sivagangai.

5.Mr.Balaji ... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to transfer the further investigation in CrI.M.P.No.628/2019 in PRC.No.35/2017, ordered by the learned District Munsif cum Judicial Magistrate, Ilayankudi, on 13.02.2019, to CB CID or to any other independent Agency like CBI and to complete the further investigation within the time frame fixed by this Court and to direct the 1st and 2nd respondents to take appropriate departmental action against the 5th respondent, for the illegal, corrupt activities made by him while investigating Crime No.367/2016, within the time frame fixed by this Court.

For Petitioner : Mr.Niranjana S.Kumar
For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

(This writ petition is heard through video conference)

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to transfer the further



investigation in CrI.M.P.No.628/2019 in PRC.No.35/2017, ordered by the learned District Munsif cum Judicial Magistrate, Ilayankudi, on 13.02.2019, to CB CID or to any other independent Agency like CBI and to complete the further investigation within the time frame fixed by this Court and to direct the 1st and respondents to take appropriate departmental action against the 5th respondent, for the illegal, corrupt activities made by him while investigating Crime No.367/2016, within the time frame fixed by this Court.

2. When the matter is taken up for hearing the learned Additional Public Prosecutor would submit that the Deputy Superintendent of Police, who originally investigated the matter has been transferred. Now one Cetric Manual taken over the investigation on 13.02.2019.

3. The learned counsel for the petitioner submitted that the initial Enquiry Officer engaged himself in corrupt practices. Evidencing the same he has also produced in the extract of the oral conversation that took place. The learned counsel further submits that a direction may be given to take disciplinary proceedings against the earlier investigating officer. The first respondent, may take action on the basis of the complainant.

4. The second ground is that by order passed in CrI.R.C.(MD). No.23.02.2021, a direction has been issued to the committal Court to split up the case against A9, A13, A14, A15, A17, A19, A23, A27, A28, A30 and A31. The grievance of the petitioner is that if such process is undertaken and the copies are furnished, the entire exercise will become futile in nature. By taking advantage of the order passed by this Court in the above CrI.R.C.(MD)No.17 of 2021, the accused person, on the strength of the faulty investigation and defective charge sheet, are pressurizing the Learned District Munsif cum Judicial Magistrate, Ilayankudi to conclude the committal proceedings. Hence, he prayed to stay the proceedings. But, this Court cannot pass such order, which will ineffect amount to pass stay order passed by this Court in the above said criminal revision.

5. Further investigation is undertaken in furtherance of order passed by District Munsif cum Judicial Magistrate, Ilayankudi dated 13.02.2019, which was suppressed while filing CrI.R.C.(MD).No.17 of 2021. Hence, the petitioner can approach the trial Court with a request to postpone the committal proceedings in the light of the above said development. In the meantime, the petitioner can get appropriate remedy from the concerned Bench.

6. The learned Additional Public Prosecutor submits that the investigation will be completed further and report will be filed within a period of three months. Accordingly, the investigation officer is directed to complete the investigation within a period of three months and file a further report.



7. With the above directions, and liberty, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed

WEB COPY

// True Copy //

Sd/-

Assistant Registrar (P&A)

/ /2021

Sub Assistant Registrar(CS)

TM

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 Director General of Police,
Dr. Radhakrishnan Road,
Mylapore,
Chennai - 600 004.
2. The Superintendent of Police,
Sivagangai.
3. The Deputy Superintendent of Police,
Sivagangai.
4. The Inspector of Police,
Ilayankudi,
Sivagangai.

Copy To

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

W.P. (MD) .No.15511 of 2021
31.08.2021

KMV (CO)
GC (01.09.2021) 3P 6C