



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.17859 of 2021

WEB COPY

G.Masilamani

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
CBCID,
Tirunelveli.

3.The Inspector of Police,
Kalakad Police Station,
Kalakad, Nanguneri Taluk,
Tirunelveli District.

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 1st respondent herein to transfer the investigation in Crime No.667 of 2020 on the file of the 3rd respondent/police, from the 3rd respondent to 2nd respondent for conducting an impartial, unbiased investigation the matters in accordance with law.

For Petitioner : Mr.R.M.Suresh
For Respondents : Mr.T.Senthil Kumar,
Addl. Public Prosecutor.

O R D E R

This criminal original petition has been filed seeking transfer of investigation in Crime No.667 of 2020 registered on the file of the third respondent for the offences under Section 147, 294(b), 341 and 506(i) of IPC.

2.The petitioner is the defacto complainant. The case was registered on 09.11.2020. When the matter was taken up for hearing, Additional Public Prosecutor representing the respondents submitted that the final report was filed in this case closing the same as mistake of fact. If that be so, a copy of the referred charge sheet shall be served on the petitioner immediately. It is unfortunate that the third respondent has not chosen to serve the same on the petitioner till date. The third respondent is



directed to serve a copy of the referred charge sheet on the petitioner within a period of seven days from the date of receipt a copy of this order. In the meanwhile, the third respondent shall file the final report before the jurisdictional Magistrate. The jurisdictional Magistrate is also directed to take a call in the matter. If the Magistrate decides to accept the report, then notice shall be sent to the petitioner within a period of two weeks after filing of the report. The petitioner will be entitled to file his protest petition. Thereafter, it is for the jurisdictional Magistrate to take a call in the matter.

3. With these directions, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

ias

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,
Tirunelveli District, Tirunelveli.
2. The Deputy Superintendent of Police,
CBCID, Tirunelveli.
3. The Inspector of Police,
Kalakad Police Station,
Kalakad, Nanguneri Taluk,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P(MD)No.17859 of 2021
17.11.2021

AR (CO)

SP(29.11.2021) 2P 5C
<https://hcservices.ecourts.gov.in/hcservices/>