



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.19025 of 2021

R.Gowtham

... Petitioner

Vs.

1.The Director of CBI,
CBI Head Quarter,
Lodhi Road, New Delhi - 110 003.

2.The Joint Director of CBI,
Zonal Office,
EVK Sampath Building,
College Road, Chennai - 600 006.

3.The Director General of Police,
Tamilnadu Police Head Quarter,
Mylapore, Chennai.

4.The Superintendant of Police,
CBI,
73, Athikulam Main Road,
Reserve Line, Madurai - 625 014.

5.The Superintendant of Police,
Madurai District, Madurai.

6.The Deputy Superintendant of Police,
CBCID, Chokikulam,
Madurai.
(Crime No.6 of 2020)

7.The Inspector of Police,
M.Kallupatti Police Station,
Madurai District.

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to transfer the investigation of the Crime NO.6 of 2020 for the offences under Sections 147, 148, 394(b), 341, 342, 302 r/w. 109 of IPC on the file of the 6th respondent/CBCID, Madurai to 4th respondent/CBI.

For Petitioner : Mr.S.Sivakumar
For Respondents : Mrs.L.Victoria Gowri,
Asst. Solicitor General for RR1, 2 & 4.
Mr.T.Senthil Kumar,
Addl. Public Prosecutor for RR3, 5 to 7.



O R D E R

Heard the learned counsel appearing for the petitioner, the learned Assistant Solicitor General for the respondents 1, 2 and 4 and the learned Additional Public Prosecutor appearing for the respondents 3, 5, 6 and 7.

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2.This criminal original petition has been filed seeking transfer of investigation in Crime No.6 of 2020 now pending on the file of the sixth respondent. The petitioner wants investigation to be done by CBI.

3.One Chelladurai died on 13.10.2020 at about 08.00 pm. According to his wife namely, Malarkodi, he was murdered by the persons named in Crime No.767 of 2020. The case provoked considerable communal tension in the locality. Therefore, the then Inspector of General felt that the investigation must be done in a very professional manner. Based on his request, the Director General of Police issued proceedings for entrusting the investigation to CBCID. After CBCID took over investigation, it turned out that it was not a case of murder but an accident. The vehicle belonging to the petitioner is said to be involved in the occurrence. Therefore, the petitioner was summoned. The petitioner had earlier moved this Court for forbearing CBCID from harassing him. The said petition was disposed of by this Court by directing the petitioner to appear before CBCID and cooperate with the investigation. Thereafter, the petitioner is said to have filed a petition for anticipatory bail and the same was also dismissed. It is in this background, this criminal original petition has been filed for transfer of investigation to CBI.

4.The learned Additional Public Prosecutor made available the entire CD file. Since the investigation is at a crucial stage, it would not be appropriate for this Court to pass any comment one way or the other. Suffice to say that I am more than satisfied that the investigation is proceeding on the right lines. Since the needle of suspicion is now pointing towards the petitioner, since his vehicle is said to be involved in the accident, I am not inclined to grant relief in this criminal original petition. It stands dismissed.

Sd/-

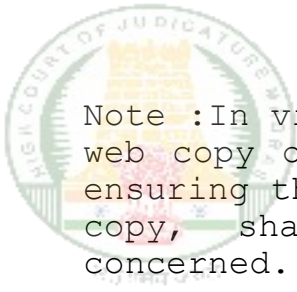
Assistant Registrar (AS)

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/ /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.

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To:

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