



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.20243 of 2021

M.Muthaiya

... Petitioner

Vs

- 1.The Inspector General of Police,
Office of the Inspector of Police,
South Zone, Alagar Koil Road,
Madurai.
- 2.The District Collector,
Office of the District Collector,
Sivagangai.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai.
- 4.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Human Rights and Social Justice Wing,
Near Collectorate Office,
Sivagangai District.
- 5.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Thiruppathur,
Sivagangai District.
- 6.The Inspector of Police,
S.S.Kottai Police Station,
Sivagangai.

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the respondents 5 and 6 to withdraw the case in Crime No.137 of 2021 dated 24.11.2021 and entrust the same to the fourth respondent or any other Deputy Superintendent of Police other than the fifth respondent in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.T.Senthil Kumar

Additional Public Prosecutor



ORDER

This Criminal Original Petition has been filed seeking transfer of investigation in Crime No.137 of 2021 registered on the file of the S.S.Kottai Police Station for the offences under Sections 147, 294(b), 323, 355, 506(1) & 379 of IPC r/w Sections 3(1)(r) & 3(1)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. The learned counsel appearing for the petitioner reiterated all the contentions set out in the memorandum of grounds.

3. According to him, on 08.10.2021, he was engaged in a tree cutting work. When he was carrying on his work, the accused came to the spot and prevented him from continuing the work. When the petitioner resumed his work, he was attacked and abused by referring to his community. The petitioner is said to belong to parayar community which is a notified scheduled caste. Based on the same, Crime No.137 of 2021 has been registered. According to the petitioner, the implement namely chainsaw which is worth about Rs.50,000/- was taken away by the accused. The petitioner's counsel would allege that none of the accused have been arrested. The stolen property has not been recovered. The petitioner does not have faith in the investigation. He wants the same to be transferred.

4. The learned Additional Public Prosecutor passed on a copy of the communication send by the Deputy Superintendent of Police, Thiruppathur Sub Division.

5. A reading of the same indicates that the petitioner did not co-operate with the investigation. According to the investigation officer, none of the persons supported the stand of the petitioner. According to the learned Additional Public Prosecutor, such an incident had never taken place. The petitioner does not appear to have gone to the Government Hospital for taking treatment also. More than anything else, even Nachiyappan who is said to have engaged him also did not support the petitioner. I am more than satisfied that no case for transferring investigation has been made out.

6. This Criminal Original Petition stands dismissed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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 Inspector General of Police,
Office of the Inspector of Police,
South Zone, Alagar Koil Road,
Madurai.
- 2.The District Collector,
Office of the District Collector,
Sivagangai.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai.
- 4.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Human Rights and Social Justice Wing,
Near Collectorate Office,
Sivagangai District.
- 5.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Thiruppathur,
Sivagangai District.
- 6.The Inspector of Police,
S.S.Kottai Police Station,
Sivagangai.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P (MD)No.20243 of 2021
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