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Crl.O.P.No.1832 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM:

**THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA
KURUP**

Crl.O.P.No.1832 of 2021

Raja

... Petitioner

Versus

1.The State

Represented by Sub-Inspector of Police
Annamalai Nagar Police Station
Cuddalore District.

2.The Inspector of Police

Crime Branch Crime Investigation Department (CBCID)
No.53, Deepam Nagar, Sammandalam
Cuddalore District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation pending on the file of the first Respondent Police in FIR No.263/2020 dated 31.03.2020 to the second Respondent for free and fair investigation.



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For Petitioner : Ms.K.Nithyashree
For Respondents : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

This petition had been filed to transfer the investigation pending on the file of the first Respondent Police in FIR No.263/2020 dated 31.03.2020 to the second Respondent for free and fair investigation.

2. The Learned Government Advocate (Crl.Side) submits that the respondent Police has filed status report, dated 15.02.2021, wherein it is mentioned that the Investigating Officer had conducted investigation and also recorded the statements of witnesses. The witnesses had stated the same facts as mentioned in the complaint and there is no clue about the Accused till date.



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3. When the Court enquired with the Learned Government Advocate (Crl.Side) regarding the presence of the Investigating Officer or CD file, he replied that the Investigating Officer and CD file is not available in Court today. In the absence of the same, status report furnished by the Learned Government Advocate (Crl.Side) based on the information furnished by the Investigating Officer is not found satisfactory. Though it is a case of murder, FIR in Crime No.263 of 2020 dated 26.04.2020 was filed just one day after the incident. Further, the Petitioner had clearly mentioned that his father died in a suspicious manner.

4. Under those circumstance, after two years of the incident, the status report had been filed, i.e., even without CD file and without the presence of the Investigating Officer, shows the lack of attitude of the Investigating Officer. Therefore, the Petitioner's contention seeking transfer of investigation from the file of the first Respondent, the Sub-Inspector of Police, Annamalai Nagar Police Station to the CBCID found



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justified. Hence, this Court directs the Respondents as well as the Superintendent of Police, Cuddalore, to transfer the investigation and hand over the same to the SP, CBCID. The SP, CBCID is directed to appoint a Competent Officer not below the rank of the Deputy Superintendent of Police, CBCID, to investigate the case effectively, within a period of one month.

5. With the above directions, this Petition is disposed of.

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Index: Yes/No
Internet: Yes/No
dna



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To

- 1.The Sub-Inspector of Police
Annamalai Nagar Police Station
Cuddalore District.
- 2.The Inspector of Police
Crime Branch Crime Investigation Department (CBCID)
No.53, Deepam Nagar, Sammandalam
Cuddalore District.
- 3.The Public Prosecutor
High Court, Madras.



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SATHI KUMAR SUKUMARA KURUP., J.
dna

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