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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Cr1.O.P.No.3933 of 2022

S.R.Godwin Shadrach

... Petitioner

Vs.

1. The State represented by
The Commissioner of Police,
Tambaram Police Commissionerate,
Sholinaganalur, Chennai - 600 119.

2. The Inspector of Police,
Selaiyur Police Station - S15,
Velachery Main Road, East Tambaram,
Chennai - 600 059.

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., pleaded to transfer the investigation in the Crime Number 1127 of 2018 on the file of the Selaiyur Police Station - S15 to CBCID, Chennai.

For Petitioner : Mr.M.Thomas Aquinas
For Respondents: Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to transfer the investigation in the Crime No.1127 of 2018 to some other agency, since the respondent police has not arrested the accused for the alleged offence under Sections 457 and 380 of IPC.

2. Learned counsel for the petitioner submitted that after filing FIR, no progress has been shown by the respondent Police in investigating the matter.

3. Mr.A.Gokulakrishnan, Additional Public Prosecutor submitted that the the accused is unknown and his identity could not be established. Though the Chance Print has been lifted from the scene of occurrence, the same has not been matched with



other suspects. He further submitted that they have already examined five other suspects and still pursuing the investigation properly and a Special Team has also been constituted for that purpose.

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4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

5. Taking note of the fact that considering the nature of the offence, when the accused has not been detected and traced, particularly in theft case, this Court cannot come to the conclusion that investigation is not in the right direction. Admittedly, the Chance Prints were lifted from the scene of occurrence and only on finding the accused, the accused will be arrested. Therefore, this Court is of the view that mere change of Investigation Agency will not serve any purpose. Accordingly, the prayer sought by the petitioner is rejected and the respondent police is directed to expedite the investigation and pursue the matter seriously and bring the culprit before the Court of law.

6. Accordingly, this Criminal Original Petition is disposed of with the above direction.

Sd/-

Assistant Registrar(CS II)

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Sub Assistant Registrar

ham/rgi

To

1. The Commissioner of Police,
Tambaram Police Commissionerate,
Sholinganallur, Chennai - 600 119.
2. The Inspector of Police,
Selaiyur Police Station - S15,
Velachery Main Road, East Tambaram,
Chennai - 600 059.
3. The Public Prosecutor,
Madras High Court, Chennai.

+1cc to Mr.M.Thomas Aquinas, Advocate, S.R.No.34999

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AD[co]
NSK/23/06/2022