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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2022

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.5260 OF 2022

AND

CRL.M.P.NO.2837 OF 2022

Karunanithi

... Petitioner/
Accused

Vs

1. The Superintendent of Police,
Cuddalore District.
2. The Inspector of Police,
Annamalainagar Police Station,
Cuddalore District.
3. The Inspector of Police,
CBCID,
Cuddalore District.
4. G.Rajakumari

... Respondents/
Respondents

PRAYER:

This Criminal Original Petition filed under Section 482 Cr.P.C., pleaded to transfer the pending investigation in Cr.No.106 of 2022 on the file of the second respondent to third respondent.

For Petitioner	: Mr.M.Mohamed Riyaz
For R1 to R3	: Mr.A.Gokulakrishnan Additional Public Prosecutor
For R4	: No Appearance



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ORDER

The Criminal Original Petition has been filed to transfer the pending investigation in Cr.No.106 of 2022 on the file of the second respondent to third respondent.

2. Learned counsel for the petitioner would submit that based on the complaint given by one Rajakumari, a case in Crime No.106 of 2022 was registered against the petitioner for the offence under Sections 279, 377 IPC. The case of the petitioner is that he is the Driver of the Transport Corporation Bus bearing Registration No.TN-32-N-4232. It is the further case of the petitioner that he did not involve in the accident and due to the mistaken information, the case had been registered against him. He came to know about the incident only after the intimation from the officers of the Transport Corporation. He would further submit that one R.Maheswaran and one K.Parasuraman, who are the respectively the driver and conductor in a private bus belonging to Sri Saravana Bus Service, who have crossed the area at the relevant time, have stated that the accident was caused by a speeding car which had come from the opposite direction, whereas the registration number of the said car was not known and they have also sent a representation to the General Manager of the Transport Corporation that the bus driven by the petitioner was not involved in the accident. He would further submit that the second respondent did not take into consideration the statements given by them and the investigation has not been conducted in the fair manner. Therefore, he would pray to transfer the case to the third respondent.

3. Learned Additional Public Prosecutor would submit that based on the complaint given by one Rajakumari, the second respondent had registered the case in Crime No.106 of 2022 for the offence under Sections 279, 377 IPC. The de-facto complainant/R4 in her complaint, specifically given the number of the bus driven by the accused, as the offending vehicle which had dashed against the vehicle driven by her husband. The respondents have not received any statements from either the said R.Maheswaran or K.Parasuraman. He would further submit that it appears that the said persons have sent a representation to the General Manager of the Transport Corporation, which would have been probably for the purpose of helping the petitioner to take a defense in the trial. However, the respondents will summon and enquire them, if necessary and file the final report.



4. In view of the above, the 2nd respondent is directed to proceed with the investigation and file the final report at the earliest. However, the investigation done by the second respondent shall be monitored by the jurisdictional Deputy Superintendent of Police. With this observation, the Criminal Original Petition stands closed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ham/rgi

To

1. The Superintendent of Police,
Cuddalore District.
2. The Inspector of Police,
Annamalainagar Police Station,
Cuddalore District.
3. The Inspector of Police,
CBCID,
Cuddalore District.
4. The Deputy Superintendent of Police,
Cuddalore District.
5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Mohamed Riyaz, Advocate, S.R.No.15423

Cr1.O.P.No.5260 of 2022
and Cr1.M.P.No.2837 of 2022

SKM(CO)
PM/22/03/2022