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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 23400 of 2021

A.B.Karl Marx Siddharthar

... Petitioner

Vs.

1. The Superintendent of Police,
Crime Branch CID,
Chennai - 600 008.
2. The Deputy Superintendent of Police
(Investigation Officer),
Crime Branch CID,
Chennai - 600 008.
Crime No.1 of 2019.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent to provide copy of the appointment orders appointing Mr.Sivanupandian, DSP and Mr.Sathyaseelan, DSP as the Investigating Officers respectively along with documents showing compliance of Rule 7(1) of SC/ST (PoA) Rules, 1995 to investigate the Crime No.1 of 2019 on the file of OCU I-Chennai, within stipulated time frame as fixed by this Hon'ble Court.

For Petitioner in Person : Mr.A.B.Karl Marx Siddharthar

For Respondents : Mr.L.Baskaran
Government Advocate (Crl.Side)
for R1 and R2

O R D E R

This Criminal Original Petition has been filed to direct the first respondent police to provide copy of the appointment orders appointing Mr.Sivanupandian, DSP and Mr.Sathyaseelan, DSP as the Investigating Officers in Crime No.1 of 2019 on the file of OCU I-Chennai, within stipulated time.



2. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.

3. According to the petitioner, he belongs to Scheduled Caste Adi-Dravida Community. While so, on 14.01.2016, three known police persons belongs to K-1 Sembiam Police Station, Chennai, intentionally insulted, assaulted and beaten him and his family members in the public view. Whereas, the FIR has been registered as against the accused police persons punishable for the offences under Sections 341 and 323 IPC on 09.11.2016. While pending investigation, the petitioner filed the private complaint impleading all the police officials as per SC/ST Act. The Principal Sessions Judge rejected the claim of the petitioner stating that the petitioner is not clear in seeking the relief. Subsequently, the petitioner has approached the Hon'ble High Court in Crl.RC.No.998 of 2018 by an order dated 14.02.2019 directed the CBCID to take up the complaint on file and to investigate the complaint afresh sheet within a period of six months from the date of receipt of a copy of this order. The CBCID is further directed to authorize an officer not below the rank of Deputy Superintendent to investigate the complaint. However, the CBCID appointed one Mr.Sivanupandian and Mr.Sathyaseelan as investigating officers. Thereafter, the investigating officers concluded the investigation and closed as "Mistake of Fact".

4. Aggrieved by the same, the petitioner filed the protest petition in Crl.MP.No.19874 of 2022 before the Principal Sessions Court, Special Judge, SC/ST (PoA) Act, Chennai dated 25.10.2021 and the same is pending. Therefore, the petitioner filed protest petition, to furnish the order of appointment of investigating officer, since the investigating officers deliberately violated the provisions under Section 15A(11)(i) of the SC/ST Act. He has also entitled to know whether the order of investigating officers appointment have been made in compliance with the Rule 7(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995. He also obtained an application under Right to Information Act, 2005 on 06.07.2021 seeking documents. However, the petitioner has not provided any order of appointment of investigating officers.

5. Considering the above facts and circumstances of the case, the first respondent is directed to provide the copy of appointment orders of investigating officers Mr.Sivanupandian, DSP and Mr.Sathyaseelan, DSP respectively, to investigate the Crime No.1 of 2019 on the file of the second respondent forthwith.



6. allowed.

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Accordingly, this Criminal Original Petition is

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

drl

To

- 1.The Superintendent of Police,
Crime Branch CID,
Chennai - 600 008.
- 2.The Deputy Superintendent of Police
(Investigation Officer),
Crime Branch CID,
Chennai - 600 008.
- 3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.B.Karl Marx Siddharthar, Advocate SR. No. 33992

Crl.O.P.No. 23400 of 2021

MG (CO)
PR (08/07/2022)