



WEB COPY



Crl.O.P.No.29143 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.29143 of 2022

Abdul Rahim

...

Petitioner

Vs

1. Inspector of Police,
P6, Police Station,
Kodingayur, Chennai – 600 039.
(Transferred to)
Deputy Commissioner of Police,
Anna Nagar, K4, Police Station,
Anna Nagar, Chennai-600 040.

2.State rep.by
Superintendent of Police,
CBCID Tamil Nadu,
No.24, Pantheon road,
Egmore, Chennai – 600 008.

...

Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to transfer the investigation on the file of 1st respondent in Crime No.143 of 2022 to the 2nd respondent to conduct a fresh investigation and to file the final report within the time frame fixed by this Hon'ble Court.

For Petitioner : Mr.M.Velmurugan

For Respondents : Mr.S.Santhosh
Govt.Advocate (Crl.side)



Crl.O.P.No.29143 of 2022

ORDER

WEB COPY

This Criminal Original Petition has been filed to transfer the investigation on the file of the 1st respondent in Crime No.143 of 2022 to the 2nd respondent to conduct a fresh investigation and to file the final report.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondents.

3.It is seen from the records that the petitioner was taken custody by the Inspector of Police, P6 Police Station, Kodingayur, Chennai, for non wearing mask while he was riding by his bye-cycle. He was retained and brutally attacked by the police personnels. He recorded the entire event in his mobile phone. Thereafter, FIR was registered in Crime No.143 of 2022 as against nine police officials including the Inspector of Police. However, since no proper investigation was conducted, the petitioner approached this Court by way of writ petition in W.P.No.5931 of 2022 seeking for transferring of investigation. Thereafter, investigation was transferred to the file of Deputy Commissioner of



Crl.O.P.No.29143 of 2022

Police, Anna Nagar, Chennai in Crime No.143 of 2022. After completion of investigation, the first respondent filed a final report before the X Metropolitan Magistrate Court, Egmore, Chennai as against only two police personnel for the offences punishable under Sections 294(b), 323, 324 & 326 IPC and deleted the other police personnel. On receipt of the same, the learned Magistrate issued referred charge sheet notice to the petitioner with regard to the deletion of other accused persons.

4.At this juncture, the petitioner has filed this petition for transferring of investigation to some other investigating agency for fresh investigation. Admittedly, referred charge sheet notice has been received by the petitioner so far as the deletion of other accused. The petitioner has all material evidence to include the other accused persons in the charge sheet. Therefore, it would be appropriate to direct the petitioner to file a protest petition before the X Metropolitan Magistrate Court, Egmore, Chennai. On receipt of the same, the learned X Metropolitan Magistrate is directed to conduct detail enquiry and on the enquiry, if any materials available as against the other deleted accused persons, pass appropriate order to implead the other accused in the charge sheet. It is



Crl.O.P.No.29143 of 2022

made clear that the petitioner is permitted to let in evidence with all materials. The learned Magistrate is directed to complete the enquiry within a period of six weeks from the date of receipt of the protest petition. Accordingly, the criminal original petition is disposed of.

Index: Yes/No
Internet: Yes/No
sms/mrp
To

28.11.2022

1. Inspector of Police,
P6, Police Station,
Kodingayur, Chennai – 600 039.
(Transferred to)
Deputy Commissioner of Police,
Anna Nagar, K4, Police Station,
Anna Nagar, Chennai-600 040.
2. State rep.by
Superintendent of Police,
CBCID Tamil Nadu,
No.24, Pantheon road,
Egmore, Chennai – 600 008.
3. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.



WEB COPY



Crl.O.P.No.29143 of 2022

sms/mrp

Crl.O.P.No.29143 of 2022

28.11.2022