



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K. ILANTHIRAIYAN**

Crl.O.P.(MD) No.3901 of 2022

Jacob

...Petitioner

Vs.

1. The Superintendent of Police
Theni District
Theni

2. The Inspector of Police
Thevaram Police Station
Thevaram
Theni District

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to withdraw and transfer the investigation in Crime No. 429 of 2021 on the file of the 2nd respondent herein to any other investigation agency or by appointing special officer.

For Petitioner	:	M/s.D.R.Murugesan
For Respondents	:	Mr.R.M.Anbunithi
No.1 & 2		Additional Public Prosecutor

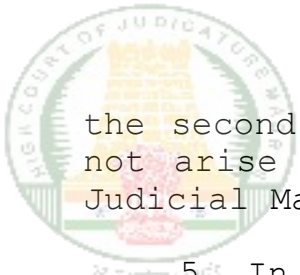
ORDER

This petition has been filed seeking direction to withdraw and transfer the investigation in Crime No. 429 of 2021 on the file of the 2nd respondent herein to any other investigation agency or by appointing special officer.

2. The learned counsel for the petitioner would submit that petitioner as well as another victim got injured seriously and they have got admitted in the hospital for undergone treatment for a month. There are materials available to attract the offence under Section 307 of IPC, but the second respondent simply registered the case for the offences under Sections 341,294(b),324 and 506 (ii)of IPC, therefore the petitioner and other victim will not get fair justice if the investigation is being continued by the second respondent herein.

3. The learned Additional Public Prosecutor would submit that the second respondent police so far examined 13 witnesses under Section 161(3)of Cr.P.C. After completing investigation they have also filed final report before the learned Judicial Magistrate, Bodi for the offences under Sections 341, 294(b),324,326 and 506(ii) of IPC as against three accused persons.

4. Accordingly no investigation is pending now on the file of



the second respondent, as such the transfer of investigation does not arise as the final report has been filed before the learned Judicial Magistrate, Bodi and not yet taken cognizance.

5. In view of the same, the Criminal Original Petition stands dismissed. However the petitioner is always at liberty to invoke provisions under Section 319 of Cr.P.C during trial if any incriminating materials found against the accused persons.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar(CS)

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To

1. The Superintendent of Police
Theni District
Theni
2. The Inspector of Police
Thevaram Police Station
Thevaram
Theni District
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

Cr1.O.P.(MD) No.3901 of 2022
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SVN(CO)

KB(09.03.2022) 2P 4C