



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.4430 of 2020

Veerabahu

... Petitioner/ Victim

Vs.

1. The Superintendent of Police,
Ramanthapuram,
Ramanathapuram District.

2. The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.

3. The Inspector of Police,
CBCID,
Ramanathapuram District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the first respondent herein to transfer the investigation of the case in Crime No.66 of 2018 from the second respondent Police to the third respondent.

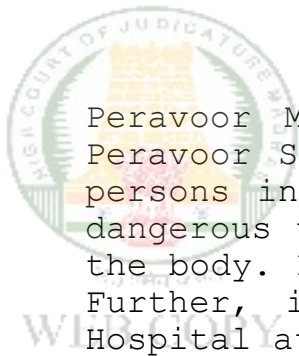
For Petitioner : Mr.V.Malaiyendran

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed to direct the first respondent herein to transfer the investigation of the case in Crime No.66 of 2018 from the second respondent Police to the third respondent.

2. The case of the petitioner is that he is an auto driver by profession. He also belongs to one particular political party and he is the President of the party. While being so, on 29.03.2018, at about 08.00 p.m. he has picked up two girls in his auto and dropped them at AR Hospital, Ramanathapuram. While he was returning near Aishwarya Maternity Clinic, one person requested for auto to go to



Peravoor M.C.School and when they reached few meters before the Peravoor School, more fully near Rettakili Rice mill, four unknown persons intercepted the said auto and attacked the petitioner with dangerous weapons, whereby, he sustained grievous injuries all over the body. Immediately, he rushed to the Government Hospital, Ramnad. Further, in view of serious injuries, he was shifted to Apollo Hospital at Madurai and a case has been registered in Crime No.66 of 2018 for the offence under Section 307 IPC on the file of the second respondent. Even after completion of three years, the second respondent did not even secure any one of the accused and simply kept the FIR pending. As directed by this Court, the second respondent filed a status report and it revealed that after registration of FIR, a preliminary enquiry was conducted and they enquired eight witnesses and recorded the statements. On 02.04.2018, the accused persons in Crime No.66 of 2018 were secured and enquired about the present case. However, later, it was found that they did not involve in the present case and no information was available. In the place of occurrence, or nearby vicinity, there are no CCTV cameras. Therefore, no clue was forthcoming.

3. The case of the petitioner is that after having been arrested four persons, the second respondent simply left them on their bond without even securing them under judicial custody. It shows that the second respondent colluded with the accused persons and failed to secure the accused persons thereafter. Therefore, if the investigation is continued by the second respondent, the petitioner will not get fair investigation.

4. Considering the facts and circumstances of the case, the entire investigation pending on the file of the second respondent in Crime No.66 of 2018 is withdrawn and transferred to the file of the third respondent for proper investigation. The second respondent is directed to hand over the entire case diary in Crime No.66 of 2018 to the third respondent forthwith. On receipt of the same, the third respondent is directed to proceed with the investigation and complete it as expeditiously as possible.

5. With these observations and directions, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (RTI)

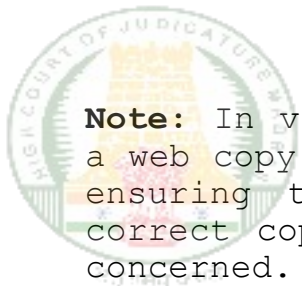
// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

<https://hcservices.ecourts.gov.in/hcservices/>



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To

1. The Superintendent of Police,
Ramanthapuram,
Ramanathapuram District.
2. The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
3. The Inspector of Police,
CBCID,
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.V.MALAIYENDRAN, Advocate (SR-15122[F] dated 29/03/2022)

CrI.O.P(MD)No.4430 of 2020
28.03.2022

RD(19.04.2022) 3P 6C