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Crl.O.P. No.15431 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2023

CORAM

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**Crl.O.P. No.15431 of 2023**

A.S.Sri Bashyam

...Petitioner

Vs

1.The Commissioner of Police,  
Salem City Police,  
Salem District.

2.The Inspector of Police,  
Sooramangalam Police Station,  
Sooramangalam,  
Salem District.  
Crime No.747 of 2019.

... Respondents

**PRAYER** : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to transfer the investigation in Crime Number 747 of 2019 pending on the file of the 2<sup>nd</sup> respondent to any other competent investigation agency by appreciating the above stated facts and circumstances.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.A.Damodaran  
Additional Public Prosecutor



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## **ORDER**

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This Criminal Original Petition has been filed seeking for transfer of investigation in Crime No.747 of 2019 pending on the file of the second respondent.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondents.

3. When the matter was taken up for hearing today, learned Additional Public Prosecutor on instructions submitted that a closure report has been filed before the learned Judicial Magistrate No.II, Salem as 'Undetected'. A copy of the closure report was also placed before this Court. Learned Additional Public Prosecutor further submitted that RCS notice in RCS No.1 of 2023 was also served on the petitioner.

4. Learned counsel for the petitioner submitted that the CCTV footages were available and the description of the properties that were stolen was also made available to the respondent police. In spite of the same, proper investigation was not conducted in this case. Hence, this petition has been



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filed seeking for transfer of investigation.

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5. In the considered view of this Court, the RCS notice has been served on the petitioner and hence, it is left open to the petitioner to file a protest petition before the Court below and raise all the points. The Court below shall consider the same on its own merits and in accordance with law and pass necessary orders. This process shall be completed by the Court below within a period of eight weeks from the date of filing of the protest petition by the petitioner.

6. This Criminal Original Petition is disposed of in the above terms.

**11.07.2023**

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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**N.ANAND VENKATESH, J**

rsi

To

- 1.The Commissioner of Police,  
Salem City Police,  
Salem District.
- 2.The Inspector of Police,  
Sooramangalam Police Station,  
Sooramangalam,  
Salem District.
- 3.The Public Prosecutor,  
High Court, Madras.

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