



Crl.O.P(MD).No.730 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2023

CORAM:

THE HONOURABLE MRS. JUSTICE R.THARANI

Crl.O.P(MD).No.730 of 2021

S.Jeyaraju

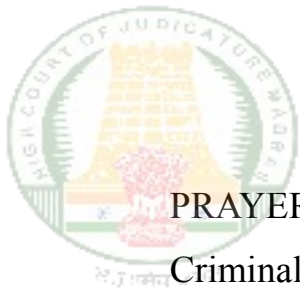
...Petitioner

Vs

- 1.The Director General of Police,
DGP Office,
Chennai.
- 2.The Inspector General of Police,
South Zone,
Madurai.
- 3.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 4.The Inspector of Police,
Karaikudi South Police Station,
Karaikudi,
Sivagangai District.
- 5.The Sub Inspector of Police,
Somanathapuram Police Station,
Sivagangai District.
- 6.Mathavan,
The Sub Inspector of Police,
District Crime Branch,
Namakkal.

...Respondents

(R6 is impleaded as per order of this Court
dated 07.02.2023 in Crl.M.P.(MD)No.2253 of 2023
in Crl.O.P.(MD)No.730 of 2021 of KMSJ)



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PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to transfer the investigation in Crime No.52 of 2019 on the file of the fifth respondent herein to any other investigation agency or by appointing special officer.

For Petitioner	: Mr.T.Balarathinakumar
For Respondents	: Mrs.M.Aasha
	Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to transfer the investigation in Crime No.52 of 2019 on the file of the fifth respondent.

2.On the side of the petitioner, it is stated that 150 sovereigns of gold was missing from the house of the petitioner. Only 31 sovereigns of gold was recovered by the fifth respondent. The petitioner has filed this petition on 18.01.2021. This Court has directed the respondents to furnish the status report and that this Court also directed the petitioner to implead the Sub Inspector of Police, Crime Branch as one of the respondents. The respondents failed to furnish the details of status report however the respondents have filed a chargesheet and he prayed the investigation to be transferred to some other agency so that the entire property of the petitioner can be recovered from the accused.



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3.On the side of the prosecution, it is stated that the status report was filed and that already investigation was over and chargesheet was filed and taken on file by the learned Judicial Magistrate, Karaikudi.

4.A perusal of the status report reveals that the chargesheet in Crime No.329 of 2019 of Mallasamudhram Police Station was filed on 20.12.2020 before the learned Judicial Magistrate, Karaikudi and the same was taken on file as C.C.No.2021 of 2022 and the same was posted for trial on 23.01.2023. This petition was filed on 18.01.2021, after the filing of chargesheet by the respondent Police. Since investigation was already over and the case was taken on file, there is no use in transferring the case to some other agency.

5.In view of the above, this Criminal Original Petition is dismissed. No Costs.

09.03.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
Mrn



WEB COPY



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R. THARANI,J.

Mrn

To

- 1.The Director General of Police,
DGP Office,
Chennai.
- 2.The Inspector General of Police,
South Zone,
Madurai.
- 3.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 4.The Inspector of Police,
Karaikudi South Police Station,
Karaikudi,
Sivagangai District.
- 5.The Sub Inspector of Police,
Somanathapuram Police Station,
Sivagangai District.
- 6.The Sub Inspector of Police,
District Crime Branch,
Namakkal.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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