



Crl.O.P.(MD).No.8892 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2023

CORAM:

THE HONOURABLE MR. JUSTICE P.DHANABAL

Crl.O.P.(MD).No.8892 of 2021

Karnan

... Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District.

2.The Deputy Superintendent of Police,
Thakazhai Division,
Kanyakumari District.

3.The Inspector of Police
CBCID,
Kanyakumari District.

4.The Inspector of Police,
Marthandam Police Station
Kanyakumari District.

..Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to transfer the investigation of the case in Crime No. 44 of 2021 on the file of the fourth respondent to any other respondent to any other agency especially the third respondent.

For Petitioner : No Appearance

For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl.)



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ORDER

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When the matter is taken up for hearing today, the learned Government Advocate appearing for the respondents represented that already investigation was completed and filed final report and the learned Judicial Magistrate also taken cognizance in C.C.No.21 of 2023 for the offence under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. Since already the matter has been investigated and filed final report, the question of transfer of investigation would not arise. Further this case is connected with Crime No.43 of 2021 and in the case, charge sheet was filed for the offence under Sections 307, 147, 148, 294(b), 323, 324, 427, 448, 109, 149 and 506(ii) of IPC and taken as P.R.C.No. 33 of 2023 by the concerned Magistrate and the case is to be committed to Sessions Court. As the counter case is committed to the Sessions Court, the learned Magistrate has to take steps to transfer this counter case to the Sessions Court where the connected case in Crime No.43 of 2021 in P.R.C.No.33 of 2023 is pending for conducting simultaneous trial as per procedures laid down in *Nathilal and others v. State of U.P and another* reported in *1990 Supp Supreme Court Cases 145*. The trial Court is directed to commit the case to Sessions Court under Section 323 of Cr.P.C., in accordance with law.



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2.With the above observation, this Criminal Original Petition is disposed of.

14.09.2023

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

To

- 1.The Superintendent of Police,
Kanyakumari District.
- 2.The Deputy Superintendent of Police,
Thakazhai Division,
Kanyakumari District.
- 3.The Inspector of Police
CBCID,
Kanyakumari District.
- 4.The Inspector of Police,
Marthandam Police Station
Kanyakumari District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

Mrn

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