



WP(MD) No.3266 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.02.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD) No.3266 of 2024

and

W.M.P.(MD).No.3225 of 2024

L.Chella Pandi

... Petitioner

/vs./

1.The District Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai District – 630 562.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Manamadurai – 630 606.

3.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District – 630 561.

4.The Deputy Superintendent of Police,
Crime Branch Crime Investigation Department,
Madurai – 625 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing to transfer the investigation in Crime No.617 of 2023, dated 13.11.2023, from the file of the third Respondent to the



WP(MD) No.3266 of 2024

file of the fourth Respondent to conduct a fair and impartial investigation in accordance with law in order to protect the innocent Petitioner in false implication by a purported confession of co-accused, based on the representation of the Petitioner on 14.01.2024, within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.D.Ajayepriyan

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

ORDER

The learned Counsel for the Petitioner submitted that the Petitioner had filed this Writ Petition for issuance of Writ of Mandamus, seeking direction against the Respondents, particularly the third Respondent / the Inspector of Police, Sivgangai Town Police Station. It is the further submission of the learned Counsel for the Petitioner that originally the case was registered as an accident case. Subsequently, it was converted as a murder case. The petitioner had moved a Writ Petition earlier seeking CCTV footage of the Sivagangai Government Medical College Hospital, wherein the Petitioner was present during the alleged time of murder. Therefore, he sought CCTV footage. Accordingly, the Court ordered the Investigation Officer to secure CCTV footage at the entrance of the Government Medical College Hospital, Sivagangai. Till date, it had not been



WP(MD) No.3266 of 2024

WEB COPY complied by the Respondents. The Petitioner had been arrayed as an Accused in Crime No.617 of 2023 dated 13.11.2023, only based on the confession made by the co-accused arrested by the third Respondent. Therefore, he had filed this Writ Petition seeking Writ of Mandamus for transferring the investigation from the file of the third Respondent to any other agency.

2. The learned Government Advocate (Criminal Side) on instructions of the Respondents would submit that the Petitioner is attempting to hold roving enquiry regarding the stage of investigation by filing this Writ Petition. Based on the directions of this Court in the earlier Writ Petition, the Investigation Officer issued summons to the Dean, Sivagangai Government Medical College Hospital to furnish CCTV footage at the entrance of the Hospital. Accordingly, CCTV footage was produced in which the Investigation Officer could not locate the presence of the Petitioner in the Government Hospital at the relevant point of time. Also he had produced the certificate issued by the Manager of the Sivagangai Government Medical College Hospital certifying that on verification of the CCTV footage, the presence of the accused was not found. Under those circumstances, the Petitioner, who had filed the petition seeking anticipatory bail in the course of arguments, sought for verification of the CCTV footage.



WP(MD) No.3266 of 2024

Thereafter only, steps were taken by the Investigation Officer. The Petitioner herein is facing criminal charge of murder. Therefore as an accused, he cannot seek transfer of investigation from the Investigation Officer to any other agency. Therefore, the learned Government Advocate seeks dismissal of the Writ Petition.

3. Considering the submission of the learned Counsel for the Petitioner and the learned Government Advocate (Criminal Side), the Petitioner cannot seek withdrawal of the investigation from the file of the third Respondent. It is the right to be exercised by witness or victim of murder and not for the person who is facing murder charges.

4. With the above observations, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

15.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Nsr



WP(MD) No.3266 of 2024

WEB COPY

TO:

- 1.The District Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai District – 630 562.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Manamadurai – 630 606.
- 3.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District – 630 561.
- 4.The Deputy Superintendent of Police,
Crime Branch Crime Investigation Department,
Madurai – 625 002.



WEB COPY



WP(MD) No.3266 of 2024

SATHI KUMAR SUKUMARA KURUP, J.

Nsr

Order made in
W.P.(MD)No.3266 of 2024

Dated:
15.02.2024