



Crl.O.P.(MD)No.15884 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 23.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.15884 of 2024

and

Crl.M.P.(MD)No.10029 of 2024

S.Ferdin Rayan

... Petitioner

Vs.

- 1.The Director,
Central Bureau of Investigation,
No.6th Floor, Lodhi Road,
Plot No.5-Jawaharlal Nehru Stadium Marg,
CGO Complex,
New Delhi.
- 2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai.
- 3.The Joint-Director,
Central Bureau of Investigation,
3rd Floor, EVK Samapath Building,
College Road,
Chennai.
- 4.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.



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5.The Inspector of Police,
O/o.The Inspector of Police,
Tirunelveli Medical College Hospital Police Station,
Tirunelveli City.
(Crime No.62 of 2024)

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to transfer the investigation by directing the first respondent to appoint a competent officer working under the third respondent to investigate the case in Crime No.62 of 2024 on the file of the fourth respondent and directing the second respondent to withdraw the case in Crime No.62 of 2024 on the file of the fifth respondent and transfer the same to the third respondent.

For Petitioner : Mr.S.Manojkumar

For R1 & R3 : Mr.M.Karunanithi
Special Public Prosecutor
for CBI cases

For R2, R4 & R5 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)

ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to direct the first respondent to appoint a competent officer working under the third respondent to investigate the case in Crime No.62 of 2024 on the file of the fourth respondent and further direct the second respondent to withdraw the case in Crime No.62



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of 2024 on the file of the fifth respondent and transfer the same to the third respondent.

2. It is not in dispute that on the basis of the complaint given by the petitioner's father Sahayam Rayen, FIR came to be registered in Crime No.62 of 2024 on 04.05.2024 for the alleged offence under Section 307 IPC.

3. The learned Government Advocate (Criminal Side) appearing for the respondents 2, 4 and 5 would submit that after registering the FIR, the case came to be investigated by the fifth respondent and the Deputy Commissioner of Police, East, Tirunelveli City has issued proceedings appointing the Assistant Commissioner of Police as the investigating officer and thereafter the investigating officer has examined 44 witnesses and out of six accused, four accused were secured and the other two accused have obtained anticipatory bail and that investigation is almost completed and they are going to file the charge sheet shortly before the concerned Court.



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4. It is not the case of the petitioner that any of the accused were left out or any other offences were left out, but the only complaint is that they have not investigated properly with regard to the motive for the occurrence and according to him, that was with regard to the fund collection by a banned extremist.

5. Since investigation is almost completed, the Assistant Commissioner of Police, Palayamkottai, Tirunelveli District is directed to complete the investigation in Crime No.62 of 2024 and file a final report before the jurisdictional Court within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction, this Criminal Original Petition stands disposed of. The petitioner is at liberty to file a protest petition, if aggrieved by the final report. Consequently, connected Miscellaneous Petition is closed.

23.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm



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To

- 1.The Director General of Police,
Dr.Radhakrishanan Salai,
Mylapore,
Chennai.
- 2.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.
- 3.The Assistant Commissioner of Police,
Palayamkottai, Tirunelveli.
- 4.The Inspector of Police,
O/o.The Inspector of Police,
Tirunelveli Medical College Hospital Police Station,
Tirunelveli City.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.15884 of 2024
and
Crl.M.P.(MD)No.10029 of 2024

Dated: 23.09.2024