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CRL OP No. 23793 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 23793 of 2025 & CrI.M.P.No.16246 of 2025

1. V.Senthamaraiselvan,
S/o. Veerasamy, Colony Street, South
Virudhanganallur Village, South
Virudhanganallur Post, Chidambaram
Taluk, Cuddalore District.

Petitioner(s)

Vs

1. The State Rep by its, Inspector of
Police,
Orathur Police Station, Cuddalore
District. Cr.No.53/2015.

Respondent(s)

PRAYER : Criminal Original Petition filed under section 528 of BNSS to call for the records with regards to the final report filed in C,C.No.332/2016 on the file of the Judicial Magistrate II, Chidambaram and set aside the same and consequently direct the Respondent police to Transfer the investigation to some other agency or CBI and file a fresh Charge Sheet.

For Petitioner(s): J.Chandran Sundhar Sashikumar



For Respondent(s): Mr.R.Vinodhraja,
Government Advocate [Crl.Side]

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ORDER

This Criminal Original Petition has been filed seeking transfer of investigation in C.C.No.332 of 2016 pending on the file of the Judicial Magistrate No.II Court, Chidambaram to some other investigating agency and to file a fresh charge sheet.

2. According to the petitioner on 15.04.2015 he was only seated as pillion rider. Whereas, the bike was rode by one Baskaran and immediately after the accident, the said Baskaran ran away from the place. The petitioner sustained injuries and the mob had beaten him and he was admitted in the hospital. Taking advantage of the same, the petitioner was made as an accused. It is his contention that the said Baskaran has not been examined. Whereas the charge sheet reflect as if the statement of the said Baskaran has been recorded. Hence, according to him, the investigation has not been properly conducted.



3. From the submissions of the learned counsel appearing for the petitioner, his main grievance is that he claims that he is not an accused.

Whereas the investigation proceeded as if the petitioner only rode the vehicle.

But the fact remains that the said Baskaran has not been examined in this case.

In such view of the matter, considering the over all investigation done by the prosecution, this Court is of the view that this is not a fit case for transfer of investigation. However, let the investigating Officer examine the said Baskaran and file further report before the concerned Magistrate in this regard.

4. With the above direction, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

29-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

The Judicial Magistrate No.II,
Chidambaram.

2.The Inspector of Police,
Orathur Police Station, Cuddalore
District. Cr.No.53/2015.



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N.SATHISH KUMAR J.

VRC

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