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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2012

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Crl.O.P.(MD) No.4885 of 2011

and M.P.(MD) No.1 of 2011

R.Selvam

... Petitioner

-Vs-

1.The Deputy Inspector General of Police,
Trichy Central Zone, Trichy.

2.The Superintendent of Police (CBCID),
CBCID Superintendent Office,
Trichy.

3.The Sub Inspector of Police,
Uppliapuram Police, Station,
Trichy District.

... Respondents

PRAYER: Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Respondent No.1 to withdraw the case in Crime No.205 of 2010 on the file of Respondent No.3 dated 28.08.2010 and entrust the same to Respondent No.2 for investigation of the case by a Competent Officer and file a final report before the Jurisdictional Magistrate within the time stipulated by this Honourable Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.K.V.Rajarajan

Government Advocate (Crl. Side)

O R D E R

This is an application filed, seeking transfer of investigation pending in Crime No.205 of 2010 on the file of the respondent No.3.

2. The petitioner is the father of the deceased. It is the specific case of the petitioner that his daughter went along with one Prabhu and thereafter she was found in a unconscious stage and was admitted in the hospital. According to the petitioner the said Prabhu is responsible for the death of her daughter.

3. The learned counsel for the petitioner would submit that no progress has been made in the investigation and it is not known whether the said Prabhu is enquired or not. The learned counsel for the petitioner would submit that the charges framed is also not correct.



4. However, the learned Government Advocate (Criminal side) would submit that the investigation would be completed within three months.

5. The occurrence was of the year 2010. This Court is not able to find substantial progress in the investigation even after two years. There is nothing on record to substantiate as to whether the petitioner has been enquired as well as the said Prabhu and what are all the steps taken thereafter. In view of the above said facts, this Court is of the view that the investigation has to be transferred from the file of the third respondent.

6. Accordingly, this Criminal Original Petition is allowed and the respondent No.1 is directed to transfer the investigation of the case in Crime No.205 of 2010 from the file of the third respondent to any other investigating officer under his control and monitor and supervise the investigation. Consequently, connected M.P.(MD) No.1 of 2011 is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1.The Deputy Inspector General of Police,
Trichy Central Zone, Trichy.

2.The Superintendent of Police (CBCID),
CBCID Superintendent Office, Trichy.

3.The Sub Inspector of Police,
Uppiliapuram Police, Station,
Trichy District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+lcc to Mr.T.Lajapathy Roy, Advocate, Sr.No.36735

Cr1.O.P.(MD) No.4885 of 2011
and M.P.(MD) No.1 of 2011
31.10.2012

sj

sma/21/11/12/6c/2p