



W.P.(Crl.) No.257 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Orders Reserved on : 02..02..2022

Orders Pronounced on : 09..02..2022

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**THE HON'BLE MR.JUSTICE V.BHARATHIDASAN**

Writ Petition (Crl.) No.257 of 2022

N.Ravichandran

**... Petitioner**

-Versus-

1.The Director of Central Bureau of Investigation,  
6<sup>th</sup> Floor, Lodhi Road,  
Plot NO.5-B, Jawaharlal Nehru Stadium Marg,  
CGO Complex,  
New Delhi – 110003

2.The Joint Director,  
Central Bureau of Investigation,  
College Road,  
Chennai 600 006.

3.The Director General of Police,  
Dr.Radhakrishnan Salai,  
Mylapore,  
Chennai 600004.

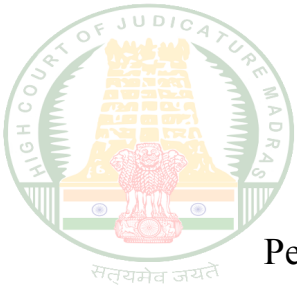
**... Respondent**



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Petition filed under Section 226 of the Constitution of India, praying to issue a writ of mandamus directing the 1<sup>st</sup> respondent to consider the representation of the petitioner dated 21.12.2021 and to re-transfer the case in Crime No.RC01(S) 2018/CBI/SCB/Chennai from 1<sup>st</sup> respondent to 3<sup>rd</sup> respondent.

*For Petitioner*

*: Mr.N.R.Elango,  
Senior Counsel for  
Mr.Aswin Prasanna for  
petitioner*

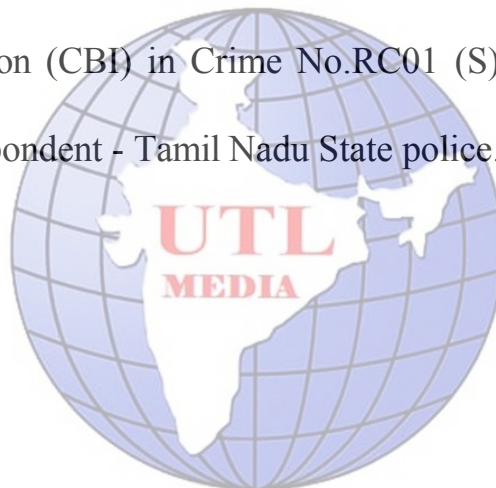
*For Respondent*

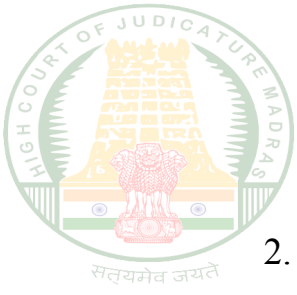
*: Mr.K.Srinivasan,  
Special Public Prosecutor  
(CBI Cases) for R1 & R2  
Mr.Hassan Mohammed Jinnah,  
State Public Prosecutor  
Assisted by Mr.C.E.Pratap,  
Government Advocate  
(Criminal Side) for R3*

### **ORDER**

This Writ Petition has been filed seeking a direction to the 1<sup>st</sup> respondent to consider the representation made by the petitioner dated 21.12.2021 requesting to re-transfer the case pending on the file of the 1 and 2<sup>nd</sup> respondents - Central Bureau of Investigation (CBI) in Crime No.RC01 (S)2018/CBI/SCB/Chennai to the file of the 3<sup>rd</sup> respondent - Tamil Nadu State police.

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2. The facts leading to the filing of this writ petition in brief are as follows:-

The petitioner is one of the brothers of one K.N.Ramajayam, a prominent business man in Trichy City and closely associated with a political party was reported to be missing from the early morning of 29.03.2012. Therefore, a complaint was filed by his wife Mrs.Latha Ramajayam before Thillai Nagar Police Station, Trichy. On the basis of that complaint, a FIR was registered in crime No.128 of 2012 under Section 365 of IPC at about 11.45 a.m. Subsequently, the body of K.N.Ramajayam was found strapped with cello tape and the hands and legs tied with strings on the bank of Cauvery River at Kallanai Road in Trichy, opposite to one Ponni Delta Buildings, which was under construction. Initially, the body was found by a construction labour working in that area, thereafter, on information, the Village Administrative Officer, Thimmarayasamuthiram, Srirangam Taluk, filed a complaint before Srirangam P.S. at about 11.00 a.m. on the same day which was registered in Crime No.228 of 2012 for offence under Section 302. Then, the body was recovered by Srirangam P.S. and sent for postmortem. As there were two parallel complaints in respect of the same occurrence, on the request made by the Inspector of Police, Srirangam PS, the action was dropped in respect of the case in Crime No.228 of 2012 on the file of Srirangam P.S. and the entire case records

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were transmitted to Crime No.128 of 2012 on the file of Thillai Nagar Police Station and investigation was being conducted by Thillai Nagar P.S.

3. Since there was no progress in the investigation, the investigation was transferred to C.B.C.I.D. on 29.06.2012 and the investigation was being conducted by CB CID till 23.06.2017 headed by various police officer from the rank Inspector of Police to Additional Superintendent of Police. Even after five years of investigation, the CB CID was not even able to find out the motive for the murder. In those circumstances, the wife of the deceased approached this court by way of a petition under Section 482 of Cr.P.C. seeking for transfer of investigation to the file of CBI in CrI.O.P.No.22633 of 2014 and this court, by order dated 07.11.2017 ordered for transfer of investigation to CBI. On transfer, the CBI re-registered the case on 08.01.2018 in RC.01(S)/2018/CBI/SCB/Chennai and took up the case for investigation. The investigation is still going on and the CBI also could not find out the possible motive and bring the accused before the court of law. In those circumstances, the petitioner made a representation to the CBI for re-transfer of investigation to the file of the State Police but, that representation evoked no response. Hence, this petition.

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4. Mr.N.R.Elango, the learned senior counsel appearing for the petitioner would submit that the murder case investigation was transferred to the file of CBI in the month of January, 2018, even after lapse of four years, the CBI is not in a position to complete the investigation and and there is no substantial break through in the investigation. The learned senior counsel would further submit that the occurrence was taken place on 29.03.2012, nearly 10 years have gone and the investigation cannot be allowed to go on indefinitely and continuing the investigation by CBI, which is already over burdened with number of investigations, will not serve any useful purpose, therefore, the learned senior counsel prayed this court to direct the CBI to re-transfer the case to the 3<sup>rd</sup> respondent State Police for further investigation and to bring it to its logical conclusion.

5. The learned Special Public Prosecutor appearing for the respondent (CBI) would submit the investigation was handed over to the CBI only after six years of the occurrence bythat time vital evidences were missing, despite such situation, the CBI puts its best efforts to bring the investigation to its logical conclusion. The

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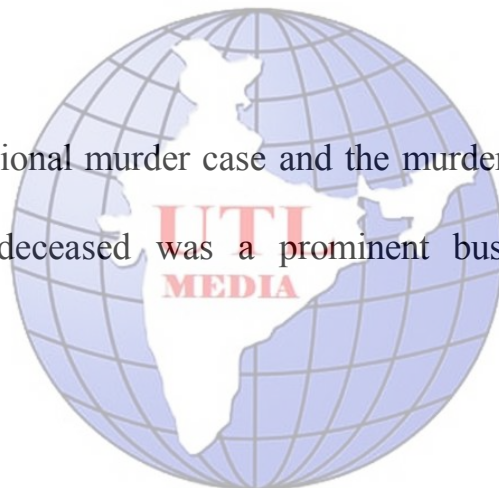
CBI recorded statements from number of witnesses. However, the very nature of the deceased who had many political and business rivals widened the scope for motive with lack of scientific evidence such as, chance finger prints, eye-witnesses, CCTV footage have further compounded the issue and makes it one of the very rare cases where the CBI could not zero in on any motive behind the murder inspite of its best possible efforts.

6. The learned Special Public Prosecutor would further submit that inspite of the so many difficulties, CBI puts in sincere efforts to consolidate the materials collected during investigation to bring the accused before the court of law and also to bring investigation to its logical conclusion. According to the learned Special Public Prosecutor, there is no need to re-transfer the investigation to the 3<sup>rd</sup> respondent.

7. I have considered the rival submissions carefully.

8. It is a sensational murder case and the murder took place in the heart of Trichy City. The deceased was a prominent business personality, closely

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associated with a political party and one of his brothers is presently a Minister in the Tamil Nadu Cabinet. The assailants murdered the deceased cruelly, clogged a piece of cloth into his mouth, tied the hands and legs with iron strings, wrapped the body with cello tape and dropped the dead body of the deceased on the bank of Cauvery River at Kallanai Road in Trichy. The body was first seen at 08.45 a.m. On 29.03.2012. On the basis of a complaint given by the Village Administrative Officer, Thimmasamuthiram, a crime was registered at 11.00 a.m. by Srirangam P.S. In the mean time, on the basis of the complaint given by the wife of the deceased alleging that the deceased was found missing from the early morning, a FIR was registered by Thillai Nagar P.S. at about 11.45 a.m. for offence under Section 365 of IPC. The first complaint which was registered by Srirangam P.S. was closed and the FIR registered in Thillai Nagar P.S. was altered into Section 302 of IPC and investigation was carried out by Thillai Nagar Police, Trichy City. After three months of the occurrence, there was no progress in the investigation and , the case was transferred to the CB CID on 26.06.2012, the CB CID conducted investigation till November, 2017. Despite the investigation conducted by various officers from the rank of Inspector of Police to Addl. Superintendent of Police, the CB CID was not able to find out the motive behind the murder. The CB

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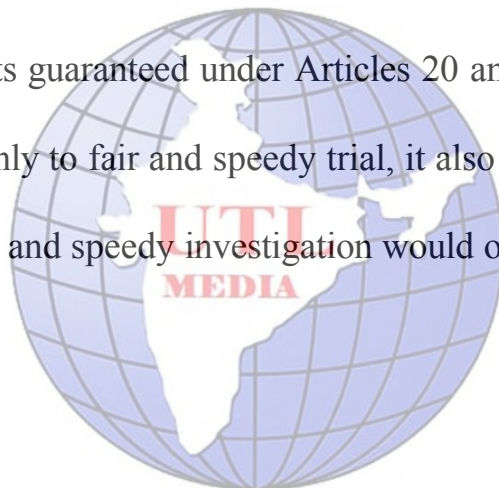
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CID was absolutely clueless. Thereafter, on the application filed by the wife of the deceased, by order dated 07.01.2017, this court transferred the investigation to the CBI. Accordingly, on transfer, the CBI took up investigation on 08.01.2018 and continues the investigation till today.

9. From the status report filed by the CBI in the writ petition, it could be seen that there were number of possible motives put forth by the CBI and inspite of effective investigation for almost four years, now, the CBI admitted that they were unable to zero-in on the motive behind the murder till today. The CBI, however, has assured that with renewed and constant efforts, they would crack the case and nab the culprits at the earliest point of time.

10. The occurrence took place on 29.03.2012. Though almost 10 years have elapsed, a premier investigating wing of the State, the CB CID and the CBI could not even find out the motive behind the murder. It is very unfortunate situation. The fundamental rights guaranteed under Articles 20 and 21 of the Constitution of India, not restricted only to fair and speedy trial, it also guarantees fair and speedy investigation. The fair and speedy investigation would only lead to advancement of

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justice and instill confidence in the mind of the victim as well as public. A fair and speedy investigation only would take the case to its logical conclusion. As already stated supra, even after ten years of the occurrence, the premier investigating agencies of both State and Central Governments could not make any break through in a very sensitive murder case.

11. It is the admitted fact that the State Police investigated the case for more than five years, inspite of their best efforts, they could not able to bring the culprits before the court of law as such, this court is of the considered view that re-transferring the case at this point of time from CBI to the 3<sup>rd</sup> respondent State Police would not serve any useful purpose. On the other hand, the CBI also could not make any break through in the investigation for the past four years.

12. Considering these circumstances, this court is of the firm view that constituting a Special Investigation Team with dedicated and efficient officers to conduct further investigation in the matter alone would bring the case to its logical conclusion at the earliest. A Police Officer from the State in the rank of Superintendent of Police shall head The Special Investigation Team (SIT). The SIT

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shall include a police officer in the rank of Deputy Superintendent of Police from Tamil Nadu Police apart from Mr.R.Ravi, Deputy Superintendent of Police, SCB, CBI, Chennai, who has been investigating the matter for the past four years and collected so many materials. Therefore, the 3<sup>rd</sup> respondent is required to depute (1) Shri.Jayakumar, Superintendent of Police, Tuticorin and (2) Shri.Madhan, Deputy Superintendent of Police, Ariyalur, to the SIT constituted by this court.

13. Accordingly, this court issues the following interim directions:-

(i) A Special Investigation Team (SIT) is constituted to conduct further investigation and the investigation in Crime No.RC01(S) 2018/CBI/SCB/Chennai pending on the file of the CBI is transferred to the SIT;

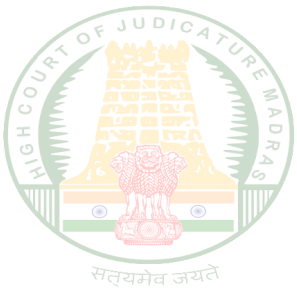
(ii) the SIT shall comprise of (1) Shri.Jayakumar, Superintendent of Police, Tuticorin; (2) Shri.Madhan, Deputy Superintendent of Police, Ariyalur and (3) Mr.R.Ravi, Deputy Superintendent of Police, SCB, CBI, Chennai;

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(iii) The respondents 1 and 2 are directed to depute Mr.R.Ravi, Deputy Superintendent of Police, SCB, CBI, Chennai, exclusively to the SIT and he shall not be transferred until the purpose of constitution of SIT is achieved or until further orders from this court;

(iv) The specially constituted team shall be headed by Shri.Jayakumar, Superintendent of Police, Tuticorin, and Shri. Md. Shakeel Akthar, IPS, Director General of Police (Crime), Crime Branch CID, Tamil Nadu is directed to monitor the investigation;

(v) The State Government is directed to provide all necessary infrastructure, accommodation, transport facilities, man power, etc., for the SIT, besides budgetary support as required by the SIT to enable them to conduct the investigation effectively;

(vi) The Deputy Superintendent of Police, SCB, CBI, Chennai, is directed place the entire records in respect of the

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case in Crime No.RC01(S) 2018/CBI/SCB/Chennai to the SIT for further investigation and appraise of the team about the investigation so far done by him; and

(vii) The SIT shall commence the investigation as early as possible preferably before 21.02.2022. The SIT is further directed to file a status report on the investigation once in every fortnight before this court and first of such report shall be filed on or before 07.03.2022 and this court will monitor the investigation being conducted by the SIT.

The Registry is directed to list this matter for further orders on 07.03.2022.

14. After the order being pronounced in open court, Mr.N.R.Elango, learned senior counsel appearing for the petitioner, Mr.K.Srinivasan, learned Special Public Prosecutor appearing for the respondents 1 and 2 and Mr.Hasan, Mohamed Jinnah, learned State Public Prosecutor appearing for the 3<sup>rd</sup> respondent submitted that, as this court has considered the matter elaborately and passed the order constituting a Special Investigation Team, this matter may be listed before

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this court for passing further orders.

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15. Considering the facts and circumstances of the case, and in view of the consent given by either side across the Bar, this court directs the Registry to place this matter before The Honourable Acting Chief Justice for appropriate orders as to the listing of the case before this court.

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Internet : yes.  
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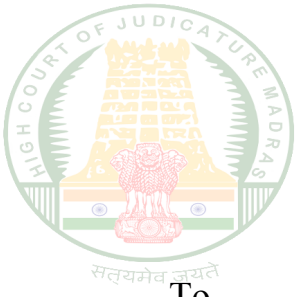
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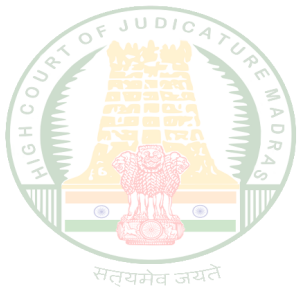
- 1.The Director of Central Bureau of Investigation,  
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- 3.The Director General of Police,  
Dr.Radhakrishnan Salai,  
Mylapore, Chennai 600004.
- 4.The Director General of Police (Crime),  
Crime Branch CID,  
Tamil Nadu, Chennai 600 032.

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