

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.07.2015

Coram:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.17266 of 2015 and

M.P.No.1 of 2015

Meenakshi Sundari ..Petitioner/Defecto/complainant

Vs.

1. The Superintendent of Police
Nagapattinam District

2. State rep by
The Inspector of Police,
Keezhaiyur Police Station,
Nagapattinam District ..Respondents/Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 1st respondent to transfer the above case from the 1st respondent to some other agency and further investigate the matter.

For Petitioner : Mr.T.Shanmugarajeswaran

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The petitioner has come forward with this petition to direct the 1st respondent to transfer the above case from the 1st respondent to some other agency and further investigate the matter.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and perused the materials placed on record.

3. It is seen that in respect of an incident that took place on 07.05.2012, the police registered a case under Section 304(A) of IPC in Cr.No.134 of 2012 in respect of two deaths and during the course of investigation, it was found that it was not a case of accident death, but, a murder case and therefore, the offence were altered to Section 302 of IPC.

4.After completing the investigation, the respondent police filed a final report before the concerned Magistrate and the case has been committed to Court of Sessions and now it is pending in S.C.No.126 of 2013 before the learned Principal Sessions Judge, Nagapattinam. It is the grievance of the petitioner that the

police had conducted a perfunctory investigation and filed a charge sheet without gathering adequate materials. It is also alleged by the petitioner that when the petitioner went to the Court for giving evidence, she is being threatened by the police in collusion with the accused for turning hostile.

5. Under such circumstances, this Court directs the learned Principal Sessions Judge, Nagapattinam to enquire into the grievance of the petitioner and if necessary cancel the bail of the accused following the Judgment of the Hon'ble Supreme Court in State of Uttarpradesh V. Shambhu Nath Singh (JT 2001 (4) SC 319).

6. The learned Principal Sessions Judge, Nagapattinam is directed to provide a conducive atmosphere for the petitioner and the prosecution witnesses to give evidence in a free and fair manner. If the learned Judge finds any lacuna in the collection of materials by the police, powers under Section 311 Cr.P.C., can be liberally invoked for obtaining the best evidence.

7. With the above direction, this petition is closed, consequently, connected miscellaneous petition is also closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1. The Superintendent of Police
Nagapattinam District
2. State rep by
The Inspector of Police,
Keezhaiyur Police Station,
Nagapattinam District

3. The Public Prosecutor,
High court, Madras.

Copy To

The Principal Sessions Judge,
Nagapattinam

+1cc to Mr.T.Shanmugarajeswaran, Advocate sr.no.35380

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M.P.No.1 of 2015

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srg 04.08.2015

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