

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.32556 of 2014

Anjayee

... Petitioner/Defacto
Complainant

Vs

State by
The Inspector of Police,
Kamapuram Police Station,
Cuddalore District
Crime No.156 of 2012

... Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C.
to transfer the investigation of the case in Crime No.156 of
2012 on the file of the respondent police to CBCID Cuddalore
District.

For Petitioner : Mr. M.K.Raja

For respondent : Mr.C.Emalias,
Addl.Public Prosecutor

O R D E R

The present petition has been filed to transfer the
investigation of the case in Crime No.156 of 2012 on the file of
the respondent police to CBCID, Cuddalore District.

2. The petitioner is the mother of the deceased Pushparaj.
On 16.09.2012, the petitioner has given a complaint before the
respondent police on the allegation that on 16.9.2012 at 12.10
a.m., on hearing the sound, the petitioner came out of the house
and found that his son was attacked with iron rod on the head
and he has also sustained injury on his leg. Immediately, he was
admitted in the hospital. Subsequently, based on the complaint
of the petitioner, the respondent police registered a case in
Crime No.156 of 2012 for the offence under sections 294(b), 324
and 506(ii) IPC. Thereafter, in the course of treatment, the

petitioner's son died and the case was altered to the offence under section 302 IPC. The petitioner has furnished the names of the suspected persons to the respondent police. Even then, there is no progress in the investigation. It is submitted that though the murder of the petitioner's son has taken place more than 2 years ago, the investigation is still pending without any progress. Hence, the petitioner has come forward with the present petition to transfer the investigation.

3. When the matter is taken up for consideration, learned Additional Public Prosecutor submitted that he has filed a counter stating that on completion of thorough and detailed investigation, based on the statements of the witnesses and based on the medical reports of the deceased, the case was referred as "undetected" by Mr.Senthilkumar, the then Inspector of Police and on 31.08.2014, a final report was filed before the learned Judicial Magistrate-II, Virudhachalam, and R.C.S. notice was refused by the complainant. Hence, the RCS notice was pasted at the door of the complainant's house in the presence of witnesses. Since final report was filed before the concerned court, there is no necessity to transfer the investigation to CBCID. Hence, he opposed this petition.

4. Heard the submission made by the learned counsel for the petitioner.

5. It is a case of offence under Section 302 IPC and the respondent police has filed RCS as "undetected" within two years of investigation. Considering the gravity of the offence, I am of the opinion that the respondent police ought not to have filed RCS as "undetected" within a short span of time i.e., within two years. Therefore, in my considered opinion, the RCS.No.14/2014 filed before the learned Judicial Magistrate II, Virudhuchalam, is liable to be set aside, accordingly, the same is set aside. The respondent police is directed to reopen the case in Crime No.156/2012 on its file and investigate the same in the manner known to law and the Deputy Superintendent of Police, Virudhachalam, is directed to monitor the investigation.

6. The criminal original petition is disposed of accordingly.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

vsi

To

1.The Judicial Magistrate No.II
Virudhachalam

2. The Deputy Superintendent of Police,
Virudhachalam.

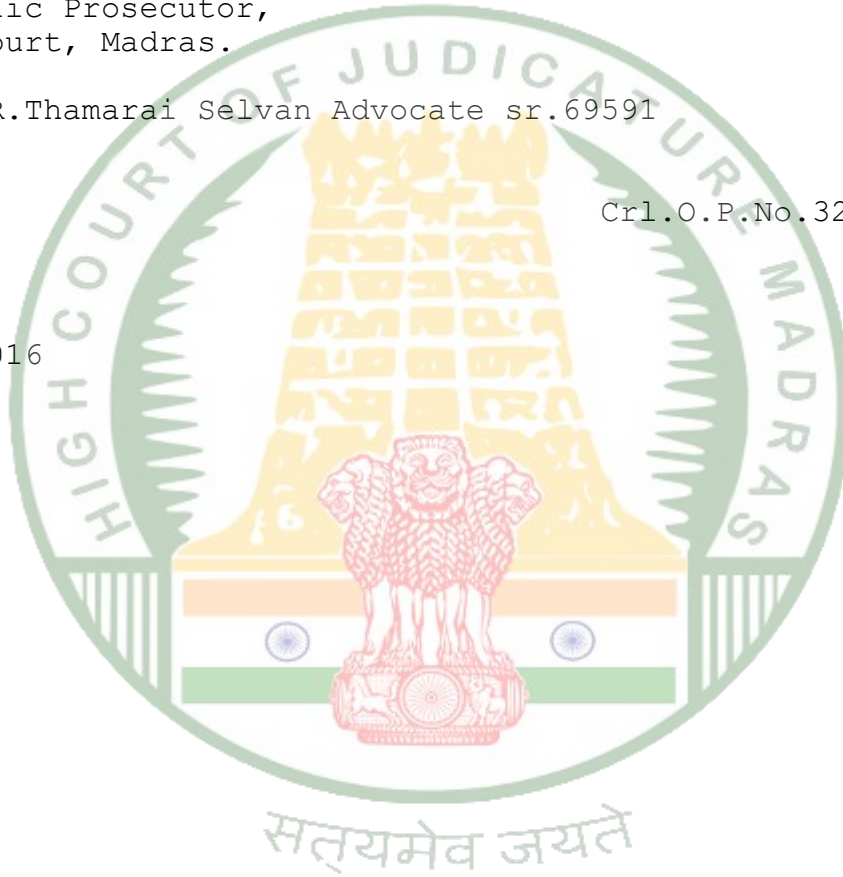
3. The Inspector of Police,
Kamapuram Police Station,
Cuddalore District.

4.The Public Prosecutor,
High Court, Madras.

+1 cc to R.Thamarai Selvan Advocate sr.69591

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